

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

FILED  
RICHARD W. MAGEL  
CLERK OF COURT

2021 MAY -7 PM 2:02

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

**In Re:** :  
: **FURTHER ORDER REGARDING** :  
: **COURT OPERATIONS UNDER THE** :  
: **ONGOING EXIGENT CIRCUMSTANCES** :  
: **CREATED BY COVID-19** : **GENERAL ORDER NO. 21-10**

In accordance with the April 16, 2021, recommendation of the Court's Ad Hoc Committee on Gating Criteria, approved by the Court at a Judges' meeting on April 26, 2021, the Reconstitution Plan and the Resumption of Jury Trial Plan, both attached hereto and revised as of April 26, 2021, are hereby ADOPTED in lieu of the Court's original Reconstitution Plan (adopted by General Order 20-17 on May 29, 2020), and the Court's original Plan for the Resumption of Jury Trials (adopted by General Order 20-27 on September 29, 2020).

**IT IS SO ORDERED.**

  
**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: May 7, 2021**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**



**RECONSTITUTION PLAN**

**Revision Date 4.26.21**

## **Purpose**

The purpose of this revised Reconstitution Plan for the U.S. District Court for the Southern District of Ohio is to provide an overview of the Court's response and actions, its protocols and its framework for the Court's return to full operations on Monday, May 3, 2021. Court operations since March 16, 2020, have been severely impacted due to Coronavirus Disease 2019 (COVID-19). The Court's original Reconstitution Plan was adopted by General Order 20-17 entered on May 29, 2020, and was supplemented by the Court's Plan for the Resumption of Jury Trials which was adopted by General Order 20-27 entered on September 29, 2020.

Since the onset of and the duration of the continuing COVID-19 pandemic, guidance and information from multiple sources, including the U.S. Department of Health, Centers for Disease Control (CDC), the State of Ohio, the Administrative Office of the U.S. Courts (AO) and other District Courts throughout the United States, have been reviewed on a daily, weekly and monthly basis. This guidance and information counseled the Court to be flexible in implementing and operating under this Plan.

## **Executive Summary**

COVID-19 is a mild to severe respiratory illness that is caused by a coronavirus, is transmitted chiefly by contact with infectious material (such as respiratory droplets) or with objects or surfaces contaminated by the causative virus, and is characterized especially by fever, cough, and shortness of breath and may progress to pneumonia and respiratory failure. The most recent guidance from the CDC informs us that COVID-19 spreads very easily from person to person; most commonly spreads during close contact; can sometimes be spread by airborne transmission; spreads less commonly through contact with contaminated surfaces; and rarely spreads between people and animals. As the duration of the pandemic continues, our knowledge of COVID-19 increases, which impacts the Court's responses, actions, and protocols.

Governor Mike DeWine declared a state of emergency for the State of Ohio on March 9, 2020 to protect the well-being of Ohioans from the dangerous effects of COVID-19. The State of Ohio placed a prohibition on mass gatherings, which were defined as any event or formal or informal meeting bringing together 100 or more persons in a single room or single space at the same time such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any confined indoor or outdoor space.

Chief Judge Algenon L. Marbley, in response to the outbreak of COVID-19 in the Southern District of Ohio, its exponential spread, the risk of exposure for employees in each of the seats of Court and in an effort to protect the safety and health of all individuals entering the Courthouses, communicated on March 16, 2020 to the Court Family that telework should be allowed to the maximum extent possible. That communication further advised that discretion rested with each respective Judicial Officer and Court Unit Executive (i.e., Clerk of Court, Chief U.S. Probation and Chief U.S. Pretrial Services) to designate an on-site skeletal staff.

Pursuant to General Order 20-05, which was entered on March 20, 2020, the Courthouses in all three seats of Court in the Southern District of Ohio were closed for fourteen days, effective on March 23, 2020, in hope that the closure of the Courthouses would stem the tide of the pandemic.

On March 27, 2020, the President signed H.R. 748, the “Coronavirus Aid, Relief, and Economic Security (CARES) Act,” into law. Pursuant to the CARES Act, initial appearances, detention hearings and arraignments, with consent of the defendant, have taken place using audio and video conferencing technology. Each Judicial Officer has also been provided with a GoToMeeting License to use at his or her discretion for such proceedings.

Also, in response to the on-going pandemic, Chief Judge Marbley formed an Executive Pandemic Team (EPT), which is comprised of a Judicial Officer from each seat of Court including three former Chief Judges, the Chief Magistrate Judge, the Clerk of Court and the Chief Deputy Clerk, the Chief U.S. Probation Officer, the Chief U.S. Pretrial Services Officer, the U.S. Marshal and the Chief Deputy, the U.S. Attorney and the Federal Public Defender for the Southern District of Ohio, the GSA Ohio Service Center Director and the Judicial Assistant to Chief Judge Marbley. The EPT initially met on April 3, 2020, and has continued to meet bi-weekly to communicate developments, operational responses and protocols affecting the Court, its court units and the agencies that the Court interfaces with on a regular basis.

Due to the continued, exponential spread of COVID-19, the Court, pursuant to General Order 20-08 entered on April 3, 2020, extended the closure of the Courthouses, with exceptions, through June 1, 2020. The Order also continued, among other matters, jury trials, civil proceedings and grand juries.

On April 24, 2020, the AO communicated a document entitled “Federal Judiciary COVID-19 Recovery Guidelines” to provide all courts with a starting reference when they were ready to prepare for reconstituting. The guidelines reflected the fact that, for all courts, the safety of Court employees and the public who utilize court services and facilities remained paramount. The guidelines also drew from objective data and guidance provided by the CDC.

On April 30, 2020, Dr. Amy Acton, then Director of the Ohio Department of Health, issued an Order which included the reopening of Ohio businesses, with exceptions. In May 2020, the U.S. Department of Health and Human Services issued guidance through a document entitled “CDC Activities and Initiatives Supporting COVID-19 Response and the President’s Plan for Opening America Up Again.” This document provided guidance on a multi-phased approach for reopening taking into account a downward trend of documented cases over a 14-day period (Phase 1); a downward trajectory (or near-zero incidence) of documented cases for at least 14 days after entering Phase 1 (Phase 2); and a downward trajectory (or near-zero incidence) of documented cases for at least 14 days after entering Phase 2 (Phase 3). Consistent with this guidance, Chief Judge Marbley instituted a daily review of the statistical data of new COVID-19 cases within the Southern District of Ohio and the counties where the three seats of Court are located. This daily review occurs with the Clerk of Court, the Chief Deputy Clerk and Judicial Assistant to the Chief Judge. For the fourteen-day period preceding and including May 25, 2020,

the daily new cases of COVID-19 in the Southern District of Ohio were consistently below 300, serving as a metric and a basis for consideration to reopen the Courthouses to the public.

At that time, Chief Judge Marbley also recognized the need for the Court to have a Reconstitution Plan to provide operational guidelines with respect to staffing considerations; facial coverings (including masks); temperature taking and screening; employee protocols; public protocols; GSA facility protocols, specifically, with respect to cleaning and sanitation, signage and demarcations, and construction projects; a protocol for positive employees or building exposures; naturalization ceremonies; and petit juries and grand juries. The Court's original Reconstitution Plan was adopted by General Order 20-17 entered on May 29, 2020. Pursuant to General Order 20-17, the Court could be open for some on-site proceedings at the discretion of each Judicial Officer, but only with the understanding that the Court would continue to minimize the number of on-site proceedings to protect the health and safety of staff and visitors.

On June 5, 2020, the AO communicated to the Courts a report of the Jury Subgroup of the Judiciary's COVID-19 Task Force, entitled "Conducting Jury Trials and Convening Grand Juries During the Pandemic." The report addresses issues for courts to consider as they decide when and how to reconvene petit and grand juries and bring back jurors to the Courthouses safely.

Based on the continued increases in the number of new COVID-19 cases in the Southern District of Ohio as a whole and in each of the counties where the Courthouses are located, General Order 20-23 was entered on July 23, 2020 and stipulated the following: 1) all civil trials scheduled through August 31, 2020 were continued until a future date set by the assigned judge, 2) all naturalizations scheduled, except for the week of July 27, 2020 were cancelled and 3) no grand jury proceedings were to be conducted through August 31, 2020 except 30-day cases and ongoing historical cases requiring the testimony of civilian witnesses. Such proceedings were to take place in a courtroom with plexiglass shielding.

Also, in late July 2020, Chief Judge Marbley, recognizing the need to establish gating criteria and monitor statistical data relative to the criteria to be used in recommending future operational changes to the EPT and to the Court, appointed an Ad Hoc Committee. The Committee, composed of Judges Edmund A. Sargus, Jr., Timothy S. Black, Sarah D. Morrison, Walter H. Rice and Kimberly A. Jolson, and Clerk of Court Richard W. Nagel, also serving as chairperson, continues to meet monthly to provide a recommendation as to when, in general, jury trials, naturalizations, grand jury and in-Court proceedings should resume, notwithstanding exceptional circumstances as determined by each respective Judicial Officer.

At its initial meetings, the Ad Hoc Committee, by consensus, selected the following gating criteria for review: new COVID-19 cases within the Southern District of Ohio; new COVID-19 cases within Franklin, Hamilton and Montgomery counties, which are the counties of the three seats of Court where the Courthouses are located; new hospitalizations and deaths within the Southern District of Ohio; new deaths and hospitalizations within Franklin, Hamilton and Montgomery counties; the status of federal inmates housed in county jails within the Southern District of Ohio; and the status of Orders issued by the Governor of the State of Ohio. The

Committee also agreed that the status of the re-opening of schools, including The Ohio State University, be reviewed.

Based on the continued high levels of COVID-19 cases in the District as a whole and in the three counties where the Courthouses are located, and the recommendation of the Ad Hoc Committee, General Order 20-25 was entered on August 20, 2020 stipulating that: 1) all civil and criminal trials scheduled through September 30, 2020 be continued until a future date set by the assigned judge, except that, for criminal defendants in custody, a jury trial prior to September 30, 2020, may proceed if the assigned judge determines that, in the interests of justice, it was absolutely necessary that the trial go forward in a courtroom with plexiglass shielding; 2) naturalizations could resume as of September 1, 2020; 3) no grand jury proceedings were to be conducted through September 30, 2020, except thirty-day cases and ongoing historical cases requiring the testimony of civilian witnesses; and 4) other in-Court proceedings, civil or criminal, could occur in person only upon a determination by the assigned judge that the interests of justice required that the proceeding be conducted in that matter in a courtroom with plexiglass shielding.

Chief Judge Marbley, consistent with the AO's communication of its Report for the Resumption of Jury Trials, also recognized the Court's need for such a plan and initiated its preparation. The Court's Plan for the Resumption of Jury Trials was adopted by General Order 20-27 entered on September 29, 2020. The Order allowed for the resumption of criminal jury trials and other in-Court criminal proceedings on or after October 1, 2020, with any jury trials permitted to be conducted pursuant to the Plan's Protocols. The purpose of the Court's Resumption of Jury Trials Plan was to provide general guidelines when the Court resumed jury trials affected by the COVID-19 pandemic; to provide protocols to minimize the risks and ensure the health and safety of all participants and spectators, including jurors, attorneys, witnesses, parties, members of the public, the press and Court staff; and to supplement the Court's original Reconstitution Plan which was adopted by the Court's General Order 20-17. General Order 20-27 also continued the status quo of General Order 20-25 through October 31, 2020 and allowed the grand jury to convene in a limited class of cases: thirty-day cases, ongoing historical cases, and a limited number of economic crime cases. The Order also allowed that, if a Judicial Officer determined in the interests of justice it was necessary to proceed with a civil jury trial or other in-Court proceeding, it would be held in a courtroom with plexiglass shielding. Based on the continuing increased numbers of new COVID-19 cases within the Southern District of Ohio and the counties of the three seats of Court, and the recommendation of the Ad Hoc Committee, General Order 20-31 was entered on October 30, 2020, extending the provisions of General Order 20-27 through November 30, 2020.

General Order 20-36 entered on November 25, 2020, extended the provisions of General Order 20-31 through December 31, 2020. The Order also suspended naturalization ceremonies consistent with the November 15, 2020, Order of Ohio Interim Director of Health, Lance D. Himes, limiting gatherings of greater than 10. General Order 20-36 also stipulated that no grand jury proceedings were to be conducted for sixty days, except that the grand jury could meet once a month during the pendency of the Order in any of the three seats of Court. Presentations to those sessions were limited to cases facing an imminent statute of limitations expiration date, or to consider anyone arrested or served with a summons prior to the date of the Order. General

Order 20-38 entered on December 21, 2020 extended General Order 20-36 through January 31, 2021.

General Order 21-02 entered on January 11, 2021, extended the suspension of the grand jury as provided in General Order 20-36 with exceptions that the grand jury could meet once in January 2021 and February 2021 in any of the three seats of Court. The grand jury could meet in those months with respect to cases facing an imminent statute of limitations and could not consider other matters at those meetings. General Order 21-04 entered on January 29, 2021 extended the status quo through February 28, 2021. General Order 21-06 entered on February 26, 2021, extended General Order 21-04 until further notice.

In its March 2021 memorandum to Chief Judge Marbley, the Ad Hoc Committee recommended extension of the status quo below with respect to the following in-Court proceedings, and criminal and civil jury trials:

1. **Civil Jury Trials:** With respect to civil jury trials, any civil matter set for jury trial shall move forward with such trial only if: (1) at least one of the parties in the matter represents to the Court that the interests of justice require the trial to go forward as scheduled and that any further continuance in the matter would represent a hardship to the party; and (2) the Court likewise determines that, in the interests of justice, it is absolutely necessary that the matter go forward as scheduled. Any civil jury trial set to occur, as to which both of the above conditions are not met, will be continued to a future date to be set by the assigned judge.
2. **Criminal Jury Trials:** With respect to criminal jury trials, that in any criminal matter in which the defendant is in custody (or, in any multi-defendant matter, if any one or more of the defendants who will be tried at the same jury trial are in custody), the jury trial shall be scheduled and move forward in the ordinary course unless the defendant (or, in cases involving multiple defendants who will be tried together, all defendants who are in pretrial detention) requests a continuance. In any criminal matter in which no defendant is in custody, any trial in the matter that is or would be scheduled shall be continued to a later date unless the defendant requests that the trial go forward, in which case a jury trial shall be scheduled in the ordinary course. As to any criminal jury trial that is continued under this paragraph, the Judicial Officer shall include in the Order resetting the date for the continued trial the requisite findings under the Speedy Trial Act.
3. **Courtroom with plexiglass shielding:** Any jury trial that occurs shall take place only in a courtroom that has been outfitted with plexiglass shielding.
4. **In-Court proceedings:** In-Court proceedings other than those referenced above (e.g., bench trials, suppression hearings, oral arguments on motions, temporary restraining orders, preliminary injunction proceedings, etc.) that are scheduled to occur after March 30, 2021, shall occur in person only upon a determination by the assigned judge that the interests of justice require that the proceedings be conducted in that manner. In exercising their discretion in setting such proceedings, judges will weigh heavily the need to reduce courthouse traffic in the interest of public health. To the extent that a Judicial

Officer concludes that a given in-person proceeding must go forward, the proceeding shall take place only in a courtroom that has been outfitted with plexiglass shielding.

5. **Proceedings** are not prevented from occurring through the use of video or audio-conferencing capabilities insofar as the same are permitted by law. The fact that, absent a sealing order by the presiding judge, these will be public proceedings, does not authorize broadcasting by anyone. S. D. Ohio Civ. R. 83.2 applies to these proceedings.

The Ad Hoc Committee further recommended the Court's return to full operations on May 3, 2021, dependent upon meeting the following criteria: 1) a fourteen-day decrease in new COVID-19 cases in the Southern District of Ohio and 2) continued expansion of the vaccination programs in Ohio and Kentucky. The EPT and the Court adopted the recommendations. Pursuant to General Order 21-09 which was entered on March 31, 2021, the status quo and provisions of General Order 21-07 are extended through April 30, 2021, with the exception that naturalization ceremonies may be held at off-site locations beginning on April 1, 2021 and continue until further notice.

The Ad Hoc Committee recently met in April. The Committee reviewed the numbers of new COVID-19 cases relative to the gating criteria and discussed the expansion of the vaccine programs in Ohio and Kentucky. By consensus, the Committee has recommended the following:

1. Effective Monday, May 3, 2021, the Courthouses be open for all proceedings including in-Court proceedings, and civil and criminal jury trials to be held in courtrooms with plexiglass shielding.
2. The Court is highly encouraged to continue to minimize traffic in the Courthouses consistent with public health standards.
3. The Court is highly encouraged to continue the use of video conferencing in matters deemed appropriate by the presiding Judicial Officer.
4. If these recommendations are approved by the Court that the General Order be amended consistent with these recommendations.

The Court has approved the Ad Hoc Committee's recommendations and will return to full operations on Monday, May 3, 2021 with the default position to use video conferencing whenever possible, and it being the Judicial Officer's discretion to hold non-jury trial matters in a non-plexiglass outfitted courtroom, observing social distancing, if a plexiglass courtroom is not available. All jury trials will continue to be held in plexiglass outfitted courtrooms.

### **Vaccination Program**

***Employees are highly encouraged to receive the vaccine(s) and are authorized two hours of administrative leave to obtain the vaccine(s).***

With respect to the State of Ohio's vaccination program, Chief Judge Marbley has continued to maintain contact with Stephanie McCloud, Director of the Ohio Department of Health. The

State of Ohio's vaccination program, which impacts both staff and potential jurors, opened eligibility on March 29, 2021 for Ohioans age 16 and older to receive the vaccine(s). The State of Kentucky's vaccination program, which impacts staff who work in Cincinnati, opened eligibility on April 5, 2021 for Kentuckians age 16 and older to receive the vaccine(s). The Court continues to monitor the efficacy of the vaccine(s), the variants and expansion of these vaccination programs.

Consistent with guidance from the CDC, national, state and local officials, Court employees are highly encouraged to receive the vaccine(s). In accordance with the AO's guidance, employees can be highly encouraged, but not be required to obtain the vaccine(s). On March 31, 2021, Chief Judge Marbley, consistent with the AO's guidance, communicated to Court employees of their eligibility to receive administrative leave to obtain the vaccine(s).

On March 10, 2021, the AO also communicated a potential avenue for employees to obtain the vaccine(s) who have been unable to receive a vaccine and wish to do so. The Judiciary is working with the Department of Health and Human Services to partner with the Department of Veterans Affairs (VA), and specifically with the VA's Veterans Health Service. Each Court Unit Executive was responsible for surveying their respective employees and communicating this information to the AO. On April 1, 2021, the AO directly contacted the interested individuals to provide them with further details regarding the registration process. On April 16, 2021, an e-mail was sent directly to program participants by the Veterans Health Services.

### **Staffing**

***The Court will continue to maintain staffing consistent with operational needs and the on-site presence of the Judicial Officers. Extenuating circumstances with respect to individual employees will be reviewed on an on-going case-by-case basis for extended full-time and/or part-time telework, and for employees requesting reasonable accommodations (i.e., children's schools or daycare closed, fear of increased risk of exposure when using mass transit, caring for ill or vulnerable relatives in household, etc.); and employees who may be vulnerable individuals (people 65 years or older and/or 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).***

***With respect to returning to full operations of the Court on May 3, 2021, each Judicial Officer will continue to determine his or her on-site Chambers staffing and/or Chambers telework staffing, to include Law Clerks, Courtroom Deputies, Judicial Assistants and Court Reporters. On-site Court proceedings should continue to be minimized to the extent possible to protect the health and safety of employees and visitors.***

***The Court Unit Executives (Clerk of Court, U.S. Probation Chief and U.S. Pretrial Services Chief) will continue to determine operational on-site and telework staffing for their respective Court units.***

Pursuant to an April 24, 2020 AO Memorandum from then Director Duff, the Court has continued to follow this guidance in reference to extending full-time telework and making reasonable accommodations (i.e., children's schools or daycare closed, fear of increased risk of exposure when using mass transit, caring for ill or vulnerable relatives in household, etc.); and for employees considered as or caring for vulnerable individuals (people 65 years or older and/or 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).

Each Judicial Officer will continue to determine his or her on-site Chambers staffing and/or Chambers telework staffing, to include Law Clerks, Courtroom Deputies, Judicial Assistants and Court Reporters.

The Court Unit Executives (Clerk of Court, U.S. Probation Chief and U.S. Pretrial Services Chief) will continue to determine operational on-site and telework staff for their respective court units, Information Technology and Human Resources depending on the Court's operational needs.

The Clerk's Office initially surveyed employees to determine if they self-identified as vulnerable individuals; if they provided care for vulnerable individuals; if they had concerns with mass transit (especially in Cincinnati where mass transit is frequently utilized); and if they needed to extend telework and for what reasons. Based on the results of the survey, accommodations were made on a case-by-case basis. Operational staffing levels were and have been maintained. In November 2020, the Clerk's Office Intake Areas in each seat of Court transitioned to rotational staffing to address proactively any potential COVID-19 positive test results that would drastically impact staffing.

With respect to the need for Courtroom Deputies for Magistrate Judges to be on-site, in January 2021, a committee composed of Chief Magistrate Judge Litkovitz, Judge Cole, Rich Nagel, and Melanie Furry addressed the question of whether magistrate judge criminal hearings could be recorded remotely without the need for the Courtroom Deputy to be physically present in the courtroom. On January 25, 2021, Chief Judge Marbley communicated the Court's adoption of the Committee's procedures to allow for these type of proceedings to be remotely recorded to minimize the presence of in-Court staff.

The Probation Office will continue to bring back staff to work on-site slowly with most employees continuing to telework. The Probation Office in each seat of Court has continued to be staffed by a duty support staff member and a duty Probation Officer. Probation Officers have begun to perform field work, seeing high risk clients first and then will gradually transition to seeing everyone under supervision. The field contact protocols require Probation Officers to maintain proper social distancing and not to enter homes. Probation Officers also have been instructing individuals under supervision to not report to the office unless it is an emergency or for drug testing. Drug testing has resulted in some individuals physically reporting to the Probation Office, but the Office has arranged scheduling so there are no more than 10 such individuals per day in each Probation Office.

Pretrial Services continues to have a telework rotation in place and plans to continue this rotation, to change if operational demands/needs increase as the Judicial Officers increase their on-site presence in each seat of Court. An increase in field work is anticipated with limited office visits from individuals.

**Protocols for Temperature Taking and Health Screening  
(Employees, Visitors, Non-Employees and Contractors)**

*The protocols for Court employees, visitors, non-employees and contractors will continue based on guidance from the CDC, national, state and local officials including the Governor of Ohio and GSA.*

**Employees**

Prior to the start of each workday, employees (including Judicial Officers) will continue to be required to self-screen their temperatures at home. Employees having temperatures greater than 100.4° shall not enter the Courthouses; shall remain at home under self-quarantine for fourteen calendar days in telework status if they feel able to perform telework; and shall not return to work prior to the expiration of the fourteen-day period, unless they can provide documentation from their physician to return to work. Employees, by the act of swiping their Facility Access Card to gain entry into the Courthouses, certify that they have self-screened at home prior to the start of each workday and that they do not have a temperature over 100.4°. Infrared, digital thermometers have also been purchased for each Chambers and for Clerk's Offices, Probation and Pretrial Offices in all of the Courthouses; thus, each Judicial Officer or Court Unit Executive may use such thermometer to conduct a temperature test if he or she deems it appropriate. Hand sanitizer and sanitary wipes have also been provided.

Although an elevated temperature may not indicate the presence of COVID-19, the taking of temperatures and screening of employees and visitors are proactive measures to reduce the spread of COVID-19 and demonstrate due diligence on the Court's part to protect its employees and visitors to the greatest extent possible. On August 21, 2020, Chief Judge Marbley communicated the Court's adoption of the State of Ohio's Travel Advisory for the travel of employees and for visitors entering the Courthouses. Consistent with the State of Ohio's COVID-19 Travel Advisory and the health screening questions asked by the CSO's to visitors to the Courthouses, staff who entered Ohio after travel to states reporting positive testing rates of 15% or higher were required to self-quarantine for 14 days. Telework was allowed to the extent possible, with approval of their respective Judicial Officer or Court Unit Executive. The advisory was discontinued by the State of Ohio on March 10, 2021 and has been replaced with guidance to Ohioans to review carefully CDC guidance when considering travel in the United States. With the discontinuation of the State of Ohio's Travel Advisory, the health screening questions asked by the CSO's now include a question consistent with the CDC's guidance pertaining to a list of countries where travel is prohibited from entry to the United States.

## **Visitors**

To reduce the spread of COVID-19, effective June 1, 2020, all visitors (including, but not limited to, jurors, contractors, naturalization petitioners, and attorneys) have been required to have their temperature taken and are subject to health screening at the entrances to the Courthouses.

Pursuant to General Order 20-20 entered on July 15, 2020 and effective on July 20, 2020, the Court acquired infrared screening devices and instructed the Court Security Officers (CSO's) to: 1) ask appropriate health screening questions of each visitor at each Courthouse (Appendix I); 2) record the number of visitors screened; 3) record the number of daily visitors denied entry; and 4) report both numbers to the Clerk of Court. The EPT receives the updated screening statistics from the Chief Deputy Clerk at each meeting.

As stated previously, on August 21, 2020, Chief Judge Marbley communicated the Court's adoption of the State of Ohio's Travel Advisory for travel of employees and for visitors entering the Courthouses. The health screening questions asked by the CSO's to visitors entering the Courthouses included a question consistent with the State of Ohio's COVID-19 Travel Advisory to visitors. Visitors who entered Ohio after travel to states reporting positive testing rates of 15% or higher were denied entrance to the Courthouses and were provided alternate methods of contacting the Court Unit Offices with whom they sought to do business. The advisory was discontinued by the State of Ohio on March 10, 2021 and has been replaced with guidance to Ohioans to carefully review CDC guidance when considering travel in the United States. With the discontinuation of the State of Ohio's Travel Advisory, the health screening questions asked by the CSO's now include a question consistent with the CDC's guidance pertaining to a list of countries where travel is prohibited from entry to the United States.

## **Non-Court Employees**

With respect to non-Court employees, such as the custodial and maintenance staff, who perform regular, daily work in the Courthouses, they will continue to be required to certify that they do not have a temperature greater than 100.4° by swiping their badges upon entering the Courthouses every day. They also will continue to be provided a copy of the health screening questions by GSA.

## **Contractors**

Any contractor not in possession of an access badge who enters the Courthouse during normal business hours must continue to follow the Court's visitor health screening protocols. Any contractor not in possession of an access badge who enters the Courthouse outside of normal business hours, including weekends, certifies upon entry to the Courthouse that he or she does not have a temperature greater than 100.4°. They will also continue to be provided the health screening questions in advance by GSA.

## Facial Covering Protocols

***To reduce the spread of COVID-19, all employees (including Judicial Officers) and visitors (including, but not limited to, jurors, contractors, naturalization petitioners, and attorneys) will continue to be required to wear facial coverings (which include masks) in the public common areas of the Courthouses. Each Judicial Officer or Court Unit Executive has discretion with respect to their employees' wearing of facial coverings (which include masks) in their respective court space (including chambers and offices).***

The procurement and distribution of masks to employees, visitors and contractors have been justified to mitigate exposure to COVID-19 within the Courthouses. Disposable masks will continue to be provided to visitors as needed. Reusable, machine washable masks (both procured by the Court and provided by the AO) are available upon request for employees.

Pursuant to Director McCloud's Order entered on April 5, 2021, a goal has been implemented in order to lift the mask mandate which is 50 cases per 100,000 residents over a two-week period.

## Employee Protocols

***To reduce the potential spread of COVID-19, employees must continue to follow the protocols set forth below:***

- Employees are to use the designated employee entrances: in Columbus, the Scioto River Rear Courthouse Entrance; in Cincinnati, the Main Street Side Entrance; and in Dayton, the Perry Street Side Front Employee Entrance.
- Face coverings;
- Gloves are available for use as needed;
- Temperature screenings;
- Employees having temperatures greater than 100.4° shall not enter the Courthouses; shall remain at home under self-quarantine for fourteen calendar days in telework status if they feel able to perform telework. Employees who test positive for COVID-19 will be requested to obtain a negative test result or will be requested to provide appropriate medical documentation from a health care provider that he or she is no longer contagious prior to physically returning to work in the Courthouses.
- Employees who are sick need to stay at home;
- Employees must use basic hygiene (washing hands frequently with soap/hand sanitizer; avoiding touching noses, mouths, and eyes; and covering coughs/sneezes with a tissue or upper sleeve);

- Social distancing is required in that employees must maintain a separation of at least six feet from each other. If circumstances warrant employees to be within six feet from others, facial coverings are mandatory;
- Employees must minimize situations where groups of people are crowded together (using e-mail, phones and text messages to communicate and maintaining six feet of separation when meetings are necessary);
- Each Chambers and court unit are responsible for ensuring required social distancing between employees;
- Employee gatherings in common spaces such as breakrooms, snack bars, and conference rooms, must adhere to social distancing;
- Employees must avoid shaking hands and always wash their hands or use hand sanitizer after contact with others;
- Employees must use trash receptacles;
- Employees will be provided disinfecting wipes within their respective work areas and must keep surfaces, telephones, and computer equipment clean by properly utilizing safe and harmless disinfectants registered by the U.S. Environmental Protection Agency (EPA); and
- Employees must contact GSA if there is a known case of COVID-19 in the Courthouses. GSA, depending on the time elapsed, may perform a deep cleaning of the area or facility to include contracting with a remediation contractor.

Courtroom social distancing protocols were communicated to the Judicial Officers on May 29, 2020. These protocols included a drawing of each courtroom showing the number of people who can be seated within each courtroom for proceedings. Drawings have also been included for courtrooms that can be used for multiple purposes such as a voir dire and a criminal trial. Currently, the following courtrooms will have plexiglass shielding: in Columbus, Chief Judge Marbley's, Judge Smith's, and Magistrate Judge Vascura's courtrooms<sup>1</sup>; in Cincinnati, Judge Black's, Judge Dlott's, Judge Barrett's, and Chief Magistrate Judge Litkovitz's courtrooms; and in Dayton, Judge Rice's, Judge Rose's, and Magistrate Judge Ovington's courtrooms.

### **Visitor Protocols**

***To reduce the possible spread of COVID-19, visitors must continue to follow the protocols set forth below:***

- Face coverings;
- Temperature and health screenings;

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<sup>1</sup> Plexiglass shielding will be installed in Judge Watson's courtroom in mid-May.

- All visitors to the Courthouses will be subject to temperature screenings at the Courthouse entrances and will be denied admittance if they have a temperature in excess of 100.4°. Those visitors who are denied admittance will be requested to contact by telephone the office, agency, or chambers to which they sought admittance in order to complete the business they came to transact, or to explore alternatives to entering the Courthouse;
- Visitors who are sick should not attempt to enter the Courthouses;
- Visitors must use basic hygiene (washing hands frequently with soap/hand sanitizer; avoiding touching noses, mouths, and eyes; and covering coughs/sneezes with a tissue or upper sleeve);
- Visitors must maintain a separation of at least six feet from others (avoiding shaking hands and always washing hands or using hand sanitizer after contact with others);
- Visitors must use trash receptacles; and
- Visitors must minimize situations where groups of people are crowded together (using e-mail, phones and text messages to communicate and maintaining six feet of separation when meetings are necessary).

### **Positive Employee or Building Exposure Protocols**

***If an employee tests positive for COVID-19, immediate notification shall be made to Chief Judge Marbley and the Clerk of Court. The AO's Contact Tracing Template (Appendix II) is available for use to prevent further spread of COVID-19 by warning contacts of potential exposure to stop chains of transmission. The template provides a framework for employee/supervisor dialogue, how to identify known and unknown risk contacts and for decision making. Employees who test positive for COVID-19 will be requested to obtain a negative test result or will be requested to provide appropriate medical documentation from a health care provider that he or she is no longer contagious prior to physically returning to work in the Courthouses.***

The following procedures will continue to be used in a GSA-controlled building in the event of a COVID-19-related incident:

- A COVID-19 incident is defined as an instance when someone enters or occupies a building who is confirmed (positive test) or suspected to have COVID-19;
- The impacted agency will notify the GSA facility manager;
- The GSA facility manager and the Designated Official (DO) will then notify other building occupants, including contractors working in the building;

- GSA and the impacted agency shall immediately work to identify all areas in the facility the individual(s) were in, to the greatest extent possible, including marking printed floor plans as necessary to clearly identify the affected locations requiring cleaning and disinfecting. Once an employee who is a member of the Court Family (District Court including Clerk’s Offices, Probation Offices and Pretrial Services Offices) has tested positive or is suspected to have COVID-19, the employee’s supervisor is to utilize the Contact Tracing Template from the AO (Appendix II) to quickly identify the locations the employee has visited and contacts he/she had starting two days before the employee began developing symptoms;
- GSA, the DO and the impacted agency will empty the aforementioned area(s) of occupants for up to 24 hours, where feasible;
- GSA will consult with the Region 5 Industrial Hygienist to ensure that GSA is contracting for cleaning services compliant with current CDC and EPA guidelines;
- GSA will contact qualified contractors for response using the “GSA Cleaning & Disinfection Procedures” guidelines for infection control;
- The portion of the facility accessed by the infected individual(s) will be cleaned and disinfected; and
- Once the affected area(s) have been cleaned and disinfectant dried, they can be opened back up for regular occupancy and use.

### **GSA – Facility Protocols**

***GSA’s cleaning contractors will continue to exercise vigilance and diligence in cleaning processes, especially with increased numbers of visitors and employees to the Courthouses beginning on May 3, 2021.***

GSA will continue to provide cleaning services in the Courthouses in compliance with the guidance issued by the CDC to protect employees, contractors and visitors. These standards include the routine cleaning and disinfection of high-touch surfaces in common and high traffic areas. The following scopes of work describe the goals that GSA expects to achieve from the enhanced custodial services to further mitigate the spread of the COVID-19 virus.

As the duration of the pandemic has continued, the custodial staff in each Courthouse has been executing detailed cleaning and disinfecting of all common areas and available offices, chambers and courtrooms due to the lower volume of building occupancy and lightened custodial demands. When the Court returns to full operations on May 3, 2021, this level of service will continue and increase as part of daily, routine cleaning as defined in **Scope 1**. Individual chambers or offices may work with their respective facility manager to perform an additional routine cleaning and disinfecting prior to re-occupancy.

Furthermore, a process has been established for the Court to request higher levels of cleaning where needed as defined in **Scope 2**, which may require a Reimbursable Work Authorization

(RWA) funded by the Court. GSA requests 24-hour notice in advance of any such need. This scope provides for additional disinfection such as if a Judicial Officer has an in-court proceeding and wishes to have an additional cleaning implemented for his or her courtroom.

Finally, GSA will continue conducting focused cleaning and disinfection whenever there is a suspected COVID-19 incident as defined in **Scope 3**.

**Scope 1 ‘Regular Custodial Services’:** This scope covers routine cleaning and disinfection.

1. The Contractor must perform all custodial services specified in the applicable custodial contracts, including the regular cleaning and disinfection of surfaces using cleaning products that do not damage the surface.
2. The Contractor must routinely wipe down all frequently touched surfaces using a disinfectant from the U.S. Environmental Protection Agency-registered list of products identified as effective against Novel Coronavirus SARS-CoV-2 ([see updated list](#)) or another product containing the same active ingredient(s) at the same or greater concentration than those on the list. The Contractor must use the product in accordance with directions provided by the manufacturer. The Contractor must wear disposable gloves (*e.g.*, latex or nitrile), facemasks and any additional personal protective equipment as recommended by the cleaning and disinfectant product manufacturers. Disinfection application and products should be chosen so as not to damage interior finishes or furnishings, including GSA’s fine arts collections and murals, and historic materials and finishes. “Routinely,” for purposes of this scope, is defined as being in accordance with applicable guidance from the Centers for Disease Control and Prevention, but no less frequently than once daily during regular cleaning hours or once per shift where custodial services are provided for during more than one shift.

Examples of frequently touched surfaces include, but are not limited to, handrails, door knobs, key pads, light switches, countertops, water faucets and handles, elevator buttons, sinks, toilets and control handles, table tops, restroom stall handles, toilet paper and other paper dispensers, door handles and push plates, and water cooler and drinking fountain controls. Disinfected surfaces should be allowed to air dry. Providing disposable disinfectant wipes and the wiping down of occupant agency-owned equipment, such as telephones, computers, keyboards, docking stations, computer power supplies, computer mouse devices, personal fans and heaters, and desk lighting, remains the responsibility of each building occupant.

**Scope 2 ‘Additional Regular Cleaning and Disinfection’:** This scope is intended to be used in response to the aforementioned agency requests for additional cleaning and disinfection.

1. The Contractor shall wear disposable gloves (*e.g.*, latex, nitrile, etc.), facemasks, and any additional personal protective equipment (PPE) as recommended by the cleaning and disinfectant product manufacturers.

2. The Contractor shall clean all visibly dirty surfaces using general detergents or cleaning products compatible with the surface materials being cleaned and in accordance with directions provided by the product manufacturer.
3. The Contractor shall wipe down all solid, high contact surfaces using a disinfectant from the EPA-registered list of products identified as effective against Novel Coronavirus SARS-CoV-2 ([see list](#)), or other product containing the same active ingredient(s) at the same or greater concentration than those on the list.

The Contractor shall use all products in accordance with directions provided by the manufacturer. Examples of solid, high contact surfaces include but are not limited to: handrails, door knobs, key cards, light switches, countertops, water faucets and handles, work surfaces, computer keypads and mouse, elevator buttons, sinks, toilets and control handles, restroom stall handles, toilet paper and other paper dispensers, door handles and push plates, water cooler and drinking fountain controls. Disinfected surfaces should be allowed to air dry.

**Scope 3 ‘Detail Cleaning and Disinfection’ (COVID-19 incident):** This procedure is to be followed whenever a Novel Coronavirus (“COVID-19”) incident (defined below) occurs in a facility under the jurisdiction, custody or control of the U.S. General Services Administration (a GSA-controlled facility). A COVID-19 incident is one in which an individual with a confirmed or suspected case of COVID-19 has accessed a GSA-controlled facility. A confirmed COVID-19 case means a person has received a positive result from a COVID-19 viral laboratory test, regardless of whether they have symptoms. A suspected COVID-19 case is one in which a person has one or more symptoms of COVID-19, but has not been tested via a viral test or is awaiting test results. According to the Centers for Disease Control and Prevention guidelines, COVID-19 symptoms may include one or more of the following: cough, shortness of breath or difficulty breathing, fatigue, fever or chills, muscle or body aches, nausea or vomiting, headache, congestion or runny nose, sore throat, diarrhea, or new loss of taste or smell. If a person with a confirmed or suspected COVID-19 case has not been in a GSA-controlled facility for more than three days, this detailed cleaning and disinfection procedure is not necessary. The normal daily cleaning and disinfecting of the space by the custodial contractor is sufficient.

1. **Steps:** The facility manager, owner, designated official, or delegated representative must perform the following steps before initiating a request for COVID-19 cleaning and disinfection procedures:
  - a. Identify in the GSA-controlled facility the area in the immediate workspace accessed by the impacted individual(s). Empty the aforementioned area(s) of all occupants and close the area(s) for up to 24 hours, where feasible. The 24-hour time period begins at the time of notification minus any time the person has been gone from the building. If the person has been gone from the building for 24 hours or longer, closure is not required. The area(s) closed can still be used for emergency egress, as needed, during that time.
  - b. Open available doors and windows or increase the amount of outside air to the areas that have been isolated. The increased ventilation allows all residual

airborne droplets to settle on surfaces prior to cleaning and disinfecting.

- c. If more than three days since the person who is sick visited or used the facility, additional cleaning and disinfection is not necessary. Continue routine cleaning and disinfection. This includes everyday practices that businesses and communities normally use to maintain a healthy environment.

2. **Qualifications:** The Contractor performing the work must have the required supplies, and the Contractor staff must be trained in current blood-borne pathogens requirements, as defined by the Occupational Safety and Health Administration (29 C.F.R. 1910.1030). The minimum supplies required are detergents and soaps compatible with the surfaces being cleaned, and disinfectant products either registered by the U.S. Environmental Protection Agency (“EPA”) as effective against emerging infectious agents (list) or equivalent products containing the same active ingredient(s) in similar or greater concentration levels as those listed and registered by EPA.

3. **Procedures:**

- a. The Contractor must submit any proposed cleaning and disinfectant products, along with the associated Safety Data Sheets, to the Contracting Officer’s Representative (“COR”) or the COR’s designee for review and approval prior to use.
- b. Once approved, the Contractor must use all cleaning and disinfectant products in accordance with the manufacturer’s directions.
- c. Prior to entering the area to be cleaned and disinfected, the Contractor must don the appropriate personal protective equipment (PPE) required for the specific cleaners and disinfectants to be used. At a minimum, the Contractor must wear nitrile, latex or similar non-cloth disposable gloves and facemasks.
- d. The Contractor must clean all frequently touched surfaces in the immediate area(s) accessed by the individual. The Contractor must also clean any porous surfaces in the area(s) that contain visible contamination to the extent feasible using products compatible with those surfaces.
- e. The Contractor must wipe down all frequently touched surfaces in the immediate area(s) accessed by the individual using the approved disinfectant. The disinfectant must be applied in such a manner as to ensure solid surfaces are visibly moist. The Contractor must also take extreme care to avoid damage to telecommunications and electronic equipment, GSA’s fine arts collection, historic materials and finishes, cloth surfaces, carpeting, and wood furnishings during the application of any disinfectant.

Frequently touched surfaces include, but are not limited, to handrails, door knobs, key pads, keyboards, computer mouse devices, touch screens, light switches, countertops, table tops, water faucets and handles, work surfaces, elevator buttons, sinks, toilets and control handles, restroom stall handles, toilet

paper and other paper dispensers, door handles and push plates, and water cooler and drinking fountain controls.

- f. The Contractor must allow the disinfectant to remain on surfaces until air dry.
- g. The Contractor must place used supplies, including gloves, rags and containers and any PPE, in sealed plastic trash bags. Bags must be tied shut and disposed of as ordinary waste.
- h. Once the affected area(s) have been cleaned, disinfected and dried, they can be opened back up to regular occupancy and use.

GSA will continue to make hand sanitizer stations available in common spaces throughout the Courthouses. GSA has worked with vendors to increase the prevalence of these stations which now includes additional areas such as elevator lobbies and highly trafficked corridors as supply has allowed.

***GSA and the Court will continue to implement signage and demarcations to ensure social distancing and communicate expectations for visitors and employees in common areas, court space, and exterior space.***

GSA has prepared exterior entrance doors and common areas within the Courthouses with signage and demarcations to ensure proper social distancing and communicate expectations for visitors and employees. This has been supplemented by floor markings in high traffic areas and tight confines such as stairwells, restrooms, elevators and queuing zones. Below are some examples of what can be seen in each of the Courthouses:



*To the extent possible and with the respective Judicial Officer's approval in his or her Court space, construction projects should continue.*

The AO has provided guidance that the Court will likely be financially liable for any additional costs associated with delaying work of construction projects. The Court has had continued conversations with GSA with respect to pending and on-going projects. GSA and the Court will collaboratively work together on any mitigation options with respect to contractors and to minimize their exposure to and interactions with Judicial Officers and employees in the Courthouses.

## **Gym Operations in GSA Controlled Space**

***The gyms in Cincinnati and Columbus are located in joint-use space under the purview of GSA. The decision to reopen the gyms rests with GSA.***

As of March 2021, the GSA National Office Fitness Center Reopening guidance has maintained that fitness centers in joint use space in federal buildings are not permitted to reopen unless they are managed by full-time onsite staff to oversee the implementation of federal, state, and local guidelines and mandates. Staff must be present during all hours of operation. As of April 2021, it is not known when these requirements will be lifted due to the national increase in new COVID-19 cases and the new variants. GSA also is concerned that fitness centers are high touch point areas with significant respiratory droplet shedding that occurs during exercise.

If the Federal Executive Board in Cincinnati or Building Security Committee in Cincinnati or Columbus decide to hire staff to manage the fitness center during the hours of operation, the committee/board must also provide the GSA property manager:

- A plan of action to follow federal, state, and local guidelines and mandates and work in partnership with operators to ensure implementation in the fitness center and locker rooms.
- Any concerns or change in operations or procedures impacting tenants.
- Any confirmed or suspected case of COVID-19 involving their staff or Fitness Center users in GSA-controlled space.

Due to the low occupancy of the buildings and budget constraints, the Court will not be able to hire staff to manage the fitness centers.

## **Naturalization Ceremonies**

***Naturalization proceedings in each seat of Court will resume on April 1, 2021, utilizing large, cost-efficient and off-site facilities to alleviate petitioner backlogs and to comply with social distancing.***

Consistent with General Order 21-07, naturalization ceremonies which had been suspended through March 31, 2021, may be held at off-site locations beginning on April 1, 2021. Naturalization proceedings in each seat of Court will resume utilizing large, cost-efficient and off-site facilities to alleviate petitioner backlogs and comply with social distancing.

As of March 4, as verified with the U.S. Citizenship and Immigration Services, there was a backlog of 2,392 petitioners in the Southern District of Ohio (approximately 1,100 of whom are in Columbus, 1,000 of whom are in Cincinnati and 292 of whom are in Dayton). Holding naturalization ceremonies in large, off-site facilities will also comply with overall guidance from health and government officials by maintaining social distancing and reducing visitors to the

Courthouses. A total of twenty-two naturalization ceremonies are scheduled within the Southern District of Ohio starting on April 1 to clear the backlog of petitioners.

### **Grand Jury Proceedings**

***Grand juries will continue to be convened and will meet in courtrooms, instead of grand jury rooms, to comply with social distancing.***

With respect to grand jury proceedings in the Courthouses, the United States Attorneys' Office will coordinate with the district judges to use courtrooms so social distancing can be achieved and they will require masks for jurors as well as prosecutors and witnesses. The Court will provide masks and gloves. Large courtrooms in the Courthouses will be designated as official meeting rooms of the grand juries to comply with social distancing. In addition, the United States Attorneys' Office will bring in a quorum + (17 to 23) for grand jury proceedings. The Judicial Officer will come to the courtroom for returns instead of moving the grand jury.

An operations subgroup led by the Court Architect conducted a district-wide assessment of court spaces to include jury assembly rooms and district and magistrate judge courtrooms. Its scope of work included determinations of the seating capacities, with plexiglass protection and social distancing of jury assembly rooms and district judge courtrooms in the Courthouses for petit jury venues, trials and deliberations, and grand juries.

## Appendix I

### COVID-19 Screening Questions

1) Have you experienced any cold or flu-like symptoms in the last 14 days (to include fever, cough, sore throat, respiratory illness, difficulty breathing or fever at or greater than 100 degrees Fahrenheit)?
2) Has anyone in your household had any of the following symptoms in the last 14 days: sore throat, cough, chills, body aches for unknown reasons, shortness of breath for unknown reasons, loss of smell, loss of taste, fever at or greater than 100 degrees Fahrenheit?
3) Have you or anyone in your household traveled to any of the countries listed on the CDC website for Travelers Prohibited from Entry to the United States in the past 14 days?
4) Have you or anyone in your household traveled on a cruise ship in the last 14 days?
5) Have you or anyone in your household cared for an individual who is in quarantine or is a presumptive positive or has tested positive for COVID-19 in the past 14 days?
6) Do you have any reason to believe you or anyone in your household has been exposed to or acquired COVID-19 in the past 14 days?
7) To the best of your knowledge have you been in close proximity to any individual who tested positive for COVID-19 in the past 14 days?

Revised 3/18/2021

**Appendix II**  
**AO Contact Tracing Template**

# Contact Tracing Template

## COVID-19



Once an employee has presented symptoms of Coronavirus Disease 2019 (COVID-19), it is critical for the employee's supervisor to quickly trace potentially affected locations and contacts to mitigate spread. This form enables supervisors to conduct contact tracing as outlined by the Centers for Disease Control (CDC). It is designed to capture the ill employee's contacts (close contacts and unknown risk) and visited locations starting two days prior to the onset of symptoms.

Once completed, these forms should be shared with <insert POC name and contact information> for appropriate communication efforts and <insert POC name and contact information> for facility cleaning.

### **Talking with An Employee**

When speaking to an ill employee for contact tracing, the employee's supervisor should explain that they are calling to identify:

- people on the court unit campus that the ill employee was in contact with starting two days prior to symptoms (or two days prior to test specimen collection if they are asymptomatic);
- types of interactions they had (to help identify risk levels); and
- rooms and spaces on campus they visited to help identify any special cleaning needs.

The questions should solely focus on contacts and locations related to the court unit campus, not outside of workplace. If an employee prefers, s/he may complete this form on their own and e-mail within 24-48 hours.

### **Determining At-Risk Contacts**

Use the COVID-19 Decision Tool on the following pages to determine which type of contacts the employee had:

- Identified Risk (Close Contacts) or
- Unknown Risk

**CONFIDENTIAL: This contact tracing form and the information it contains will be kept confidential, in accordance with applicable federal laws. The form and the information it contains will only be shared with individuals who have a need to know, will be maintained separate from individual employee personnel files, and will be properly secured to protect the confidentiality of the information.**

**Date and Time of Form Completion:** \_\_\_\_\_ **Name of Person Completing this Form:** \_\_\_\_\_

**Employee has been informed that his/her responses to the following questions are focused solely on the specific court unit campus and interactions with judiciary staff, partners and clients: Yes \_\_\_\_\_ No \_\_\_\_\_**

**Name (if Contractor, initials are OK):**

**Supervisor's Name:**

**Organization (Court Unit or Contractor Company):**

**County/State of Residence:**

**Reason for Contact Tracing:**

*(Positive Test, Presumed Positive Diagnosis, Symptomatic)*

**Have you been in recent contact with someone suspected or known to have COVID-19?**

**If yes, date of contact?**

**Last Day on Court Unit Campus:**

**Date of Symptom On-set:**

**Test or Diagnosis Date:**

**Test Result and Date:**

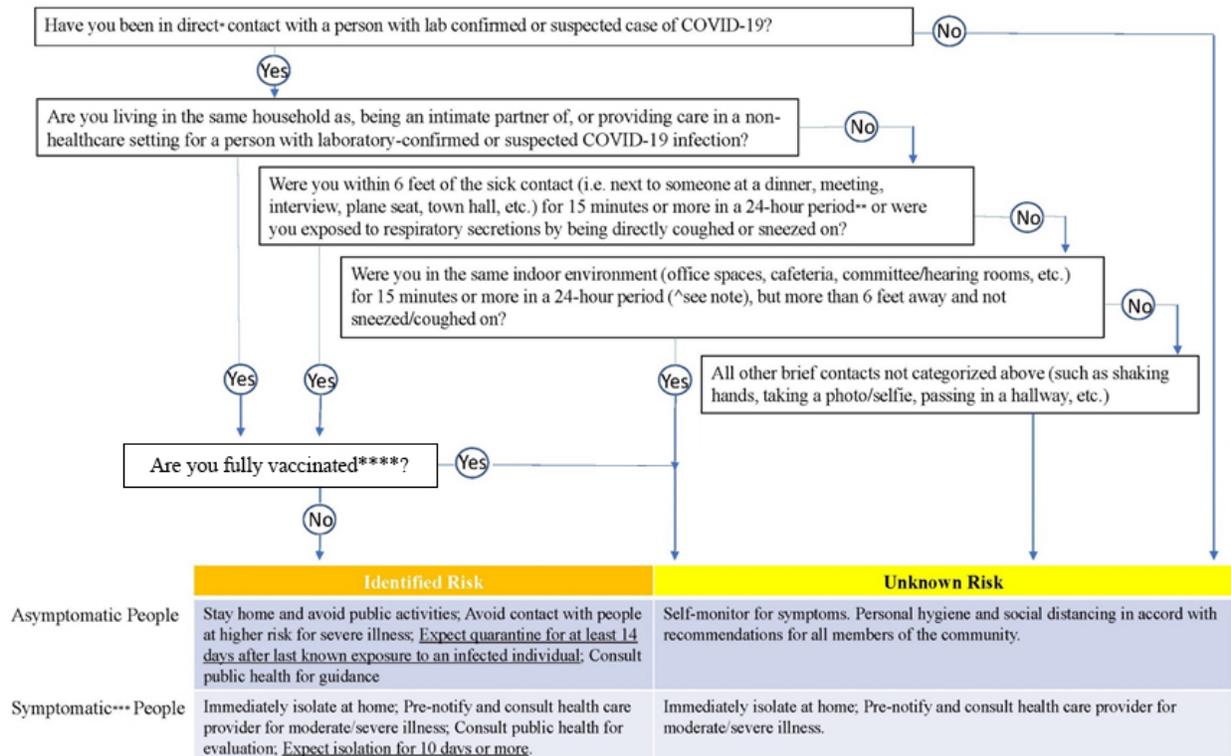
**Narrative (please describe the case in plain language):**

**Does the ill person have any lessons learned, or things they would do differently in the future?**

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## Decision Tool

In the absence of specific guidance from local public health professionals this CDC based tool may be used. Recommendations may be modified by local authorities.



- \* person to person; NOT higher order contacts such as a 'person who met a person who met a person...'
- \*\* 15 minutes of cumulative exposure in a 24-hour period; may be continuous or discontinuous (e.g. 3 exposures of 5 minutes each); with or without wearing a mask; see [CDC definition](#)
- \*\*\* Symptomatic = fever > 100.4 F, chills, fatigue, muscle or body aches, congestion or runny nose, sore throat, cough, shortness of breath, nausea or vomiting, diarrhea, headache, or new loss of taste or smell
- \*\*\*\* fully vaccinated as [defined by the CDC](#); includes  $\geq 2$  weeks following completion of vaccine series, within 3 months of vaccine series completion, and asymptomatic since current COVID-19 exposure

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**Close Contacts (Identified Risks)**

Please use the COVID-19 Decision Tool and table below to list all workplace close contacts starting two days prior to the onset of symptoms. Direct any close contacts to take the appropriate actions listed in the Decision Tool.

Questions for the employee to consider:

1. With whom did you work closely starting two days before you began demonstrating symptoms of COVID (anyone who was within 6 feet for a cumulative total of 15 minutes or more over a 24-hour period\*)?
2. Were you closer than 6 ft to anyone for short, but multiple periods of time in one day, totaling more than 15 minutes in a 24-hr period\*?
3. Who did you eat lunch with or spend more than fifteen minutes in a break room with that was closer than 6 ft to you?
4. Is there anyone you accidentally coughed or sneezed on that was 6 ft or closer?

Name	Location / Organization	Date of Contact	Type of Contact (1,2,3)	Did YOU wear a mask?	Did THEY wear a mask?	Location of Contact (Bldg, Office, Room #)	Duration of Time	Quarantine End Date (+14 days from Last Day of Contact)

**Types of contact:**

- 1 – Direct, [close contact](#) (e.g., carpooling, same household, etc.) 2 – Accidental coughing or sneezing  
 3 – Within 6 feet for a cumulative total of 15 minutes or more\*

*\* Individual exposures added together over a 24-hour period (e.g., three 5-minute exposures equal a total of 15 minutes). Per the [CDC definition](#) of “close contact” the determination of close contact should be made irrespective of whether the ill individual or contact was wearing a face covering/mask.*

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**Brief or Distant Contacts (Unknown Risk)**

In the table below, please list all brief workplace contacts starting two days prior to the onset of symptoms. Do not include “close contacts” listed above.

Question for the employee:

1. Who did you spend time in the same room with for more than fifteen minutes that stayed more than six feet away from you?
2. Who did you spend time in proximity (6 ft or less) for less than fifteen minutes (i.e. in an elevator, passed in a hallway, facility entrances/security check points, etc.)?

If the ill employee is confirmed positive and had a contact defined by the COVID-19 Decision Tool as an unknown risk, direct the contact(s) to take the action listed in the Decision Tool.

Name	Jurisdiction / Organization	Date of Contact	Type of Contact (1,2,3)	Did YOU wear a mask?	Did THEY wear a mask?	Duration of Time	Office Location and Room #

**Types of contact:**

- 1 – Within 6 feet for a short period of time (cumulative exposures over a 24-hour period total less than 15 minutes)
- 2 – Greater than 6 feet (short or long period of time)
- 3 – Other brief contact

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**Spaces: Identified Risk**

Please list all the locations within the facility the ill employee visited for more than 15 minutes starting two days prior to the onset of symptoms. Be as specific as possible. *Identified areas should be closed to the extent possible until a cleaning determination has been made.*

Location, including Room #	Date	Duration of time in this location

**Spaces: Unknown Risk**

In addition, please list any other locations on the facility the ill employee recalls visiting for less than 15 minutes starting two days prior to the onset of symptoms that are not documented above. Be as specific as possible.

Location, including Room #	Date	Duration of time in this location

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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**



**PLAN FOR THE RESUMPTION  
OF JURY TRIALS**

**Revision Date 4.26.21**

## **Purpose**

This revised Plan for the Resumption of Jury Trials for the U.S. District Court for the Southern District of Ohio:

- provides an overview of the Court's response and actions, protocols and framework for the Court's return to full operations on Monday, May 3, 2021;
- amends the original Plan for the Resumption of Jury Trials adopted by General Order 20-27 entered on September 29, 2020;
- provides general guidelines when the Court resumes civil and criminal jury trials which have been affected by the COVID-19 pandemic;
- provides guidance to minimize the risks and ensure the health and safety of all participants and spectators, including jurors, attorneys, witnesses, parties, members of the public, the press and Court staff; and
- supplements the revised Court's Reconstitution Plan.

Since the onset of and the duration of the continuing COVID-19 pandemic, guidance and information from multiple sources, including the U.S. Department of Health, Centers for Disease Control (CDC), the State of Ohio, the Administrative Office of the U.S. Courts (AO) and other District Courts throughout the United States, have been reviewed on a daily, weekly and monthly basis. This guidance and information counseled the Court to be flexible in implementing and operating under this Plan.

## **Executive Summary**

Since March 16, 2020, civil and criminal jury trials have been greatly impacted in the U.S. District Court for the Southern District of Ohio due to COVID-19.

On June 5, 2020, the AO communicated to the Courts a report of the Jury Subgroup of the Judiciary's COVID-19 Task Force, entitled "Conducting Jury Trials and Convening Grand Juries During the Pandemic." The report addresses issues for courts to consider as they decide when and how to reconvene petit and grand juries and safely bring back jurors to the Courthouses.

Based on the continued high levels of COVID-19 cases in the District as a whole and in the three counties where the Courthouses are located, and the recommendation of the Ad Hoc Committee, General Order 20-25 was entered on August 20, 2020 stipulating that: 1) all civil and criminal trials scheduled through September 30, 2020 be continued until a future date set by the assigned judge, except that, for criminal defendants in custody, a jury trial prior to September 30, 2020, may proceed if the assigned judge determines that, in the interests of justice, it was absolutely necessary that the trial go forward in a courtroom with plexiglass shielding; 2) naturalizations could resume as of September 1, 2020; 3) no grand jury proceedings were to be conducted through September 30, 2020, except thirty-day cases and ongoing historical cases requiring the testimony of civilian witnesses; and 4) other in-Court proceedings, civil or criminal, could occur

in person only upon a determination by the assigned judge that the interests of justice required that the proceeding be conducted in that matter in a courtroom equipped with plexiglass shielding.

Chief Judge Marbley, consistent with the AO's communication of its Report for the Resumption of Jury Trials, also recognized the Court's need for such a plan and initiated its preparation. The Court's Plan for the Resumption of Jury Trials was adopted by General Order 20-27 entered on September 29, 2020. The Order allowed for the resumption of criminal jury trials and other in-Court criminal proceedings on or after October 1, 2020, with any jury trials permitted to be conducted pursuant to the original Plan's Protocols. The purpose of the Court's original Resumption of Jury Trials Plan was to provide general guidelines when the Court resumed jury trials affected by the COVID-19 pandemic; to provide protocols to minimize the risks and ensure the health and safety of all participants and spectators, including jurors, attorneys, witnesses, parties, members of the public, the press and Court staff; and to supplement the Court's original Reconstitution Plan which was adopted by the Court's General Order 20-17. General Order 20-27 also continued the status quo of General Order 20-25 through October 31, 2020 and allowed the grand jury to convene in a limited class of cases: thirty-day cases, ongoing historical cases, and a limited number of economic crime cases. The Order also allowed that, if a Judicial Officer determined in the interests of justice it was necessary to proceed with a civil jury trial or other in-Court proceeding, it would be held in a courtroom with plexiglass shielding. Based on the continuing increased numbers of new COVID-19 cases within the Southern District of Ohio and the counties of the three seats of Court, and the recommendation of the Ad Hoc Committee, General Order 20-31 was entered on October 30, 2020, which extended the provisions of General Order 20-27 through November 30, 2020.

General Order 20-36, entered on November 25, 2020, extended the provisions of General Order 20-31 through December 31, 2020. General Order 20-38, entered on December 21, 2020, extended General Order 20-36 through January 31, 2021.

General Order 21-02, entered on January 11, 2021, extended the suspension of the grand jury as provided in General Order 20-36 with an exception that the grand jury could meet once in January 2021 and once in February 2021 in any of the three seats of Court. The grand jury could meet in those months with respect to cases facing an imminent statute of limitations expiration date and could not consider other matters at those meetings. General Order 21-04, entered on January 29, 2021, extended the status quo through February 28, 2021. General Order 21-06, entered on February 26, 2021, extended General Order 21-04 until further notice.

In its March 2021 memorandum to Chief Judge Marbley, the Ad Hoc Committee recommended extension of the status quo below with respect to criminal and civil jury trials:

- 1. Civil Jury Trials:** With respect to civil jury trials, any civil matter set for jury trial shall move forward with such trial only if: (1) at least one of the parties in the matter represents to the Court that the interests of justice require the trial go forward as scheduled and that any further continuance in the matter would represent a hardship to the party; and (2) the Court likewise determines that, in the interests of justice, it is absolutely necessary that the matter go forward as scheduled. Any civil jury trial set to

occur, as to which both of the above conditions are not met, will be continued to a future date to be set by the assigned judge.

2. **Criminal Jury Trials:** With respect to criminal jury trials, in any criminal matter in which the defendant is in custody (or, in any multi-defendant matter, if any one or more of the defendants who will be tried at the same jury trial are in custody), the jury trial shall be scheduled and move forward in the ordinary course unless the defendant (or, in cases involving multiple defendants who will be tried together, all defendants who are in pretrial detention) requests a continuance. In any criminal matter in which no defendant is in custody, any trial in the matter that is or would be scheduled shall be continued to a later date unless the defendant requests that the trial go forward, in which case a jury trial shall be scheduled in the ordinary course. As to any criminal jury trial that is continued under this paragraph, the Judicial Officer shall include in the Order resetting the date for the continued trial the requisite findings under the Speedy Trial Act.
3. **Courtroom with plexiglass shielding:** Any jury trial that occurs shall take place only in a courtroom that has been outfitted with plexiglass shielding.

The Ad Hoc Committee further recommended the Court's return to full operations on May 3, 2021, dependent upon meeting the following criteria: 1) a fourteen-day decrease in new COVID-19 cases in the Southern District of Ohio; and 2) continued expansion of the vaccination programs in Ohio and Kentucky. The EPT and the Court adopted the recommendations. Pursuant to General Order 21-09, which was entered on March 31, 2021, the status quo and provisions of General Order 21-07 are extended through April 30, 2021, with the exception that naturalization ceremonies may be held at off-site locations beginning on April 1, 2021 and continue until further notice.

The Ad Hoc Committee recently met in April. The Committee reviewed the numbers of new COVID-19 cases relative to the gating criteria and discussed the expansion of the vaccine programs in Ohio and Kentucky. By consensus, the Committee has recommended the following:

1. Effective Monday, May 3, 2021, the Courthouses be open for all proceedings including in-Court proceedings, and civil and criminal jury trials to be held in courtrooms with plexiglass shielding.
2. The Court is highly encouraged to continue to minimize traffic in the Courthouses consistent with public health standards.
3. The Court is highly encouraged to continue the use of video conferencing in matters deemed appropriate by the presiding Judicial Officer.
4. If these recommendations are approved by the Court that the General Order be amended consistent with these recommendations.

The Court has approved the Ad Hoc Committee's recommendations and will return to full operations on Monday, May 3, 2021 with the default position to use video conferencing whenever possible, and it being the Judicial Officer's discretion to hold non-jury trial matters in

a non-plexiglass outfitted courtroom, observing social distancing, if a plexiglass courtroom is not available. All jury trials will continue to be held in plexiglass outfitted courtrooms.

### **Planning for Jury Trials**

***Advance planning for jury trials should occur given the various operational, logistical and staffing challenges due to the on-going pandemic. Respectively, the presiding Judicial Officer, his or her Courtroom Deputy or Judicial Assistant, Court Reporter, Jury Clerk respective to that seat of Court, and the Operations Manager and/or Case Management Supervisor should be involved in this planning. Agencies and key personnel involved in the jury trial may also be consulted and be part of this process, which may include the U.S. Attorney's Office, Federal Public Defender's Office and the U.S. Marshals Service (USMS).***

Advance planning is emphasized for jury trials, which may include the staging of mock trials or dress rehearsals involving the Judicial Officers and Court staff to walk-through the various stages of a jury trial. The walk-throughs allow the Judicial Officers and Court staff to assess the Court's state of preparedness and to identify areas which may need to be addressed prior to the jury trials. Initial walk-throughs were completed in each seat of Court: in Cincinnati on October 15, 2020; in Columbus on October 20, 2020; and in Dayton, on October 8, 2020. Subsequent to the walk-throughs, a template jury trial checklist was completed for each seat of Court. These checklists are available by contacting the Jury Clerks. Additional walkthroughs for multiple, simultaneous jury trials were completed in each seat of Court: in Cincinnati on April 19, 2021; in Dayton on April 21, 2021; and in Columbus on April 23, 2021.

In March 2021, the USMS also communicated a trial preparation worksheet to the Judicial Officers to assist in its preparation for trials.

With respect to advance planning, consideration should be given to:

- The different stages of a jury trial and preferences of the presiding Judicial Officer, including but not limited to: the voir dire; how sidebar conferences will be handled; how and where attorneys will question witnesses; juror break times which may be needed due to the prolonged wearing of masks; allowance of bottled water in the courtroom for the aforementioned reason; and juror lunch times.
- The number of jurors that need to be summoned to ensure an adequate number for the jury panel.
- Staggered arrival times for jurors to ensure social distancing and where jurors will check-in once they arrive to the Courthouses.
- Assigned seating for jurors and the use of "stick on" badges for jurors.
- The movement of jurors and personnel within the Courthouses to ensure social distancing including the use of restrooms and elevators, and the intricacies/nuances of the respective Courthouses.

- Signage throughout the Courthouses.
- Inventory, availability and location of supplies which may be needed throughout the duration of the trial to include hand sanitizer, hand sanitizer stations outside of the courtroom and the jury assembly room, disinfectant wipes, facial coverings including masks, face shields for witnesses so that facial expressions may be seen, gloves, microphone covers, bottled water, and plexiglass cleaner.
- Use of jury assembly rooms or other courtrooms for the voir dire, jury deliberation, breaks and lunches. The Court has performed assessments of the capacities of courtrooms and jury assembly rooms which contain updated information on the seating capacities of the courtrooms with plexiglass shielding. Seating in the courtrooms, jury assembly rooms and other space can be blocked off or accordingly labeled to comply with social distancing.
- Jurors bringing in their own lunches and jurors being responsible for storage of their lunches to avoid potential contamination issues which may result from lunches being placed in common refrigerators. The Court entered General Order 20-30 on October 22, 2020, which allows the Court to provide meals for semi-sequestered jurors and to charge the associated costs to the juror fee appropriation. This provides an avenue for the Court to keep jurors together and on-site for their safety and security during the time they are at the Courthouses.
- Designated marking of the courtroom(s) for public and press seating to ensure social distancing or use of other courtroom(s) for viewing of trial through videoconference technology. If another courtroom is utilized, such courtroom will be staffed by a Court Security Officer (CSO).
- Use of exhibits and how evidence will be displayed.
- Methodology for court interpreters and court interpretation services, if applicable.
- Additional cleanings needed for the courtroom(s), the jury assembly room(s) and other areas of the Courthouses.

### **Summoning of Jurors**

***The Court has revised its current Coronavirus (COVID-19) Letter to Jurors (Appendix I) in the juror summons packet to include information regarding the additional health and safety precautions implemented by the Court. This includes information regarding the visits of county and city health commissioners in each seat of Court to review the courtrooms with plexiglass shielding and to communicate expectations to jurors in terms of temperature taking, the asking of health screening questions, and the wearing of facial coverings (Appendix II). In addition, as desired, the supplemental questionnaire can be modified to include specific COVID-19 questions.***

Advance communication of the Court's expectations of jurors should occur to include information regarding the taking of temperatures, the asking of health screening questions and the wearing of facial coverings. These expectations will be reinforced by Jury staff during new juror orientation. Joint site visits of courtrooms with plexiglass shielding in the Courthouses of the three seats of Court have been conducted by respective county and local health commissioners. The county and local health commissioners in all locations have stated that the courtrooms with plexiglass shielding and preparations taken by the Court are in compliance with best practices and directives from the Ohio Department of Health and the CDC. By revising the supplemental questionnaire as desired, the Jury staff can also ascertain, in advance, if a juror has received at least one vaccination for COVID-19; any concerns a juror may have with wearing a facial covering; if a juror is at high risk or has a fear of contracting COVID-19; has childcare or eldercare issues; or is employed in an essential position affecting the juror's ability to serve. A unique COVID-19 excuse has also been created in the Court's Jury Management System to track juror deferrals and excuses.

Prospective jurors will be provided with a mask, if needed, upon arrival at the Courthouse. Selected jurors will be provided a juror kit which includes disinfecting wipes, hand sanitizer, masks, a pen, and a steno pad.

### **Scheduling of Jury Trials**

***Jury trials will be scheduled in the courtrooms outfitted with plexiglass shielding in each seat of Court. The designated courtrooms are as follows: in Columbus, Chief Judge Marbley's, Judge Smith's, and Magistrate Judge Vascura's Courtrooms<sup>1</sup>; in Cincinnati, Judge Black's, Judge Dlott's, Judge Barrett's, and Chief Magistrate Judge Litkovitz's Courtrooms; and in Dayton, Judge Rice's, Judge Rose's, and Magistrate Judge Ovington's Courtrooms. Jury trials will be limited to the scheduling of no more than three jury trials in the Cincinnati and Columbus seats of Court at one time and no more than two jury trials in the Dayton seat of Court at one time.***

Based on the size of these courtrooms and operational considerations, plexiglass shielding has been installed in these <sup>2</sup>courtrooms. The Cincinnati seat of Court has four sets of moveable plexiglass shielding for the respective jury boxes. The Columbus and Dayton seats of Court each have three sets. As previously referenced in the Court's Reconstitution Plan, an operations subgroup led by the Court Architect conducted a district-wide assessment of Court spaces to include jury assembly rooms and district and magistrate judge courtrooms. The Court has updated information on the seating capacities of the courtrooms with plexiglass shielding.

Plexiglass shielding has been installed in each of these courtrooms in the following seating areas: the Judicial Officer, the court reporter, the courtroom deputy, the counsel tables, and if logistically needed, the witness stand. Court staff is to continue their use of the Calendly application, located on the Court's internal SharePoint site, for scheduling the courtrooms outfitted with plexiglass shielding.

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<sup>1</sup> Plexiglass shielding will be installed in Judge Watson's Courtroom in mid-May.

<sup>2</sup> There will be a total of eleven courtrooms outfitted with plexiglass shielding following the installation of plexiglass shielding in Judge Watson's Courtroom in Columbus in mid-May.

Larger courtrooms allow for increased social distancing and increased numbers of participants in the gallery. Gallery seating in each courtroom will be designated with stickers. Seating arrangements for immediate family and the press should be discussed at the final pretrial conference. Other courtrooms in the Courthouses can be used for individuals to remotely view the jury trial through use of videoconference technology in the presence of a Court Security Officer.

Consideration was also given to virtual trials. In February 2021, the Judicial Officers and Court staff attended a virtual trial seminar held by the Western District of Washington hosted by District Judge Marsha J. Pechman. The Western District of Washington provided the Court with a variety of written materials, Orders, and handbooks in reference to conducting virtual trials. Subsequent to the seminar, the Court met via conference call and discussed the possibility of holding virtual trials. The Court voted against holding virtual trials.

A master calendar of potential civil and criminal trials has been developed. It will be updated on a weekly basis as follows:

- each Wednesday, the Jury Clerks will contact each chamber for updates to the trial schedule;
- updates will be sent to the Chief Deputy Clerk, who will update the master trial schedule; and;
- the updated schedule will be circulated to all Judicial Officers, Jury Clerks, the USMS, the U.S. Attorney's Office, Federal Public Defender's Office and GSA, and posted to the Court's SharePoint site under Operations, COVID-19 Courtroom Scheduling, by the end of the day on Thursday of each week.

Once a jury has been empaneled, and based on operational needs, staffing and logistics, no more than three jury trials should be scheduled in the Cincinnati and Columbus seats of Court and no more than two jury trials should be scheduled in the Dayton seat of Court at one time. Additionally, multiple jury trials, including voir dres and scheduling space for socially distanced jurors, breaks, lunches and deliberations, could prove challenging. Jury trials will also bring more individuals into the Courthouses in contact with the Court Security Officers and Court staff, and social distancing must be ensured. Priority should be given to criminal cases in Order to comply with the Speedy Trial Act.

Each seat of Court cannot accommodate more than two voir dres taking place at a time, with sessions in the morning and sessions in the afternoon. In order to accommodate multiple trials commencing on the same day, each voir dire needs to be staggered throughout the day or held over multiple days. Depending on the length of voir dire or the size of the venire, only two juries may be selected at a time.

A protocol for multiple jury trials when two or three jury trials are occurring simultaneously is currently in development for completion and communication by the week of April 26, 2021. As referenced earlier, these jury walkthroughs were held the week of April 19, 2021, with the

Judicial Officers, Courtroom Deputies, and the Jury Clerk in each seat of Court to review the revised protocol.

The Judicial Officers in each seat of Court have been encouraged to schedule a meeting with the Jury Clerk for their seat of Court to resolve any conflicts in the schedule, with deference being given first to criminal cases and then to older cases. Resolving conflicts will give Judicial Officers ample opportunity to reschedule trials if necessary.

### **Facial Coverings**

***To reduce the spread of COVID-19, jurors are required to wear facial coverings (which include masks) in public common areas of the Courthouses, courtrooms, and jury assembly rooms during jury trial proceedings unless advised by the presiding Judicial Officer.***

During the jury trial, jurors should remain masked, unless directed by the presiding Judicial Officer. Breaks are recommended every two hours for jurors, which will allow for air circulation to take place in the courtroom and for jurors to remove their masks.

### **Temperature Taking and Health Screening**

***To reduce the spread of COVID-19, jurors are required to have their temperature taken and satisfactorily respond to health screening questions at the entrances to the Courthouses. Jurors having temperatures greater than 100.4° shall not enter the Courthouses and immediate notification should be made to the Jury Clerk respective to that seat of Court.***

Infrared temperature detectors are located at the visitor entrances at each seat of Court for the taking of temperatures and jurors will be required to have their temperatures taken daily. In addition to the taking of temperatures, jurors will also be required to satisfactorily answer health screening questions on a daily basis as asked by the CSO's. Although an elevated temperature may not indicate the presence of COVID-19, the taking of temperatures and health screening of jurors on a daily basis are proactive measures to reduce the spread of COVID-19 and demonstrate due diligence on the Court's part to protect jurors to the greatest extent possible.

### **Cleaning of Courtrooms and Jury Assembly Rooms**

***Routine disinfection of the plexiglass courtrooms and jury assembly rooms will occur daily during a jury trial. Additional cleanings may occur, if desired, utilizing the established protocol for cleaning, which includes a checklist (Appendix III) for the plexiglass courtrooms.***

Court spaces are routinely cleaned and disinfected once a day by the custodial staff. Plexiglass cleaner is available for use by the custodial staff on an as-needed basis. Additional cleanings may occur, if desired, utilizing the established protocol for "quick hit" cleanings. A checklist is available for use to identify areas that need to be cleaned. Consideration should also be given to cleaning the witness stand between witnesses.

### **Positive COVID-19 or Sick Jurors**

*If a juror communicates that he or she has tested positive for COVID-19 or is exhibiting symptoms of illness during a jury trial, contact tracing should immediately occur using the AO's Contact Tracing Template (Appendix IV) and the General Services Administration shall be immediately notified for further action with respect to cleaning and disinfection of the affected area(s).*

Based on contact tracing, further determinations can be made on a case-by-case basis upon consultation with the presiding Judicial Officer which may include requesting the juror to be tested for COVID-19.

### **Surveying of Jurors**

*Upon conclusion of the jury trial, jurors can be surveyed upon discharge to obtain information regarding their experience with the Court and the health and safety precautions that have been implemented.*

Surveying of the jurors upon discharge will enable the Court to assess jurors' experiences and to provide useful information for future jury trials.

## **Appendix I**

### **SAMPLE STATEMENT**

#### **Coronavirus (COVID-19) Message to Jurors**

##### **Serving in a Coronavirus World**

In 2020 the world was introduced to a new contagious virus: Coronavirus Disease (COVID-19). Due to the previous declaration of a national emergency, the Federal Court postponed all jury matters. Pursuant to guidance from The Centers for Disease Control and Prevention (CDC) and our state officials, we have now started to resume regular activities. Court employees have returned to their offices in the Courthouse and jury matters have resumed.

We are mindful of the many challenges that our citizens face during this time of national emergency. We are grateful that because of the courage and sacrifice of so many individuals we are able to continue the administration of justice through the Federal Court system. We are now asking you to continue to fulfill your civic duty by reporting for jury service when summoned.

The U.S. District Court – Southern District of Ohio takes the public health and your safety very seriously. To minimize the risk of infection, we have implemented aggressive policies and are taking extra precautions that include frequently sanitizing counter tops, tables, and doorknobs; having hand sanitizer available; offering large spaces to accommodate social distancing; and restricting access to coffee pots, microwaves and refrigerators. The courtrooms in which jury trials occur are equipped with plexiglass. During breaks, social distancing will be maintained along with mask usage. Jurors will be required to have their temperatures taken and be asked health screening questions by the Court Security Officers upon entering the Courthouses. Jurors will be required to wear facial coverings in the public common areas of the Courthouses and the courtrooms. Each selected juror will receive a package that contains hand sanitizer and a mask. Joint site visits of the courtrooms with plexiglass shielding in the Courthouses of the three seats of court have been conducted by respective county and local health commissioners. The county and local health commissioners in all locations have stated that the courtrooms with plexiglass shielding and preparations taken by the Court are in compliance with best practices and directives from the Ohio Department of Health and Centers for Disease Control and Prevention.

The U.S. District Court – Southern District of Ohio understands that some individuals may be unable to serve at this time due to Coronavirus-related issues. Requests for excuse will be considered on a case-by-case basis and temporary or permanent excuses will be granted as necessary. Requests must be in writing (emails are acceptable) and should be submitted IMMEDIATELY if:

- you were diagnosed with COVID-19 and have not recovered from the virus;
- you have had contact with someone who has been diagnosed with COVID-19 and has not completed a quarantine period;

- you have been asked to self-quarantine by any doctor or other medical provider, hospital, or health agency and are still within that time of self-quarantine;
- you have been experiencing a fever, cough, shortness of breath, or are presently suffering from an elevated body temperature or chills;
- you are a person at a high risk of infection or with a high risk of severe complications from infection;
- you are a person living with others who have a high risk of infection or with a high risk of severe complications from infection.

We thank you for your patience and for your cooperation as we work together to live safely in a Coronavirus World.

## Appendix II

### COVID-19 Screening Questions

1. Have you experienced any cold or flu-like symptoms in the last 14 days (to include fever, cough, sore throat, respiratory illness, difficulty breathing or fever at or greater than 100° Fahrenheit)?
2. Has anyone in your household had any of the following symptoms in the last 14 days: sore throat, cough, chills, body aches for unknown reasons, shortness of breath for unknown reasons, loss of smell, loss of taste, fever at or greater than 100° Fahrenheit?
3. Have you or anyone in your household traveled to any of the countries listed on the CDC website for Travelers Prohibited from Entry to the United States in the past 14 days?
4. Have you or anyone in your household traveled on a cruise ship in the last 14 days?
5. Have you or anyone in your household cared for an individual who is in quarantine or is a presumptive positive or has tested positive for COVID-19 in the past 14 days?
6. Do you have any reason to believe you or anyone in your household has been exposed to or acquired COVID-19 in the past 14 days?
7. To the best of your knowledge have you been in close proximity to any individual who tested positive for COVID-19 in the past 14 days?

Revised 3/18/2021

## Appendix III

### U.S. District Court for the Southern District of Ohio

#### Courtroom Disinfecting Checklist

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Number of Participants in Court: \_\_\_\_\_

Areas which require cleaning:

- Judge's Bench
- Witness Box
- Courtroom Deputy Desk
- Court Reporter Desk
- Counsel Tables. Please specify \_\_\_\_\_
- Gallery Rows \_\_\_\_\_
- Jury Room
- Jury Room Restrooms
- Other-Specify \_\_\_\_\_

Please e-mail the appropriate GSA Service Desk within 15 minutes prior to or immediately after conclusion of the in-Court proceeding.

GSA Cincinnati: [cincyworkticket@gsa.gov](mailto:cincyworkticket@gsa.gov)

GSA Columbus: [kinnearyusch@gsa.gov](mailto:kinnearyusch@gsa.gov)

GSA Dayton: [daytonfbusch@gsa.gov](mailto:daytonfbusch@gsa.gov)

Courtroom cleaning will take approximately 30 minutes from on-site arrival. All efforts will be made to accommodate the Courtroom schedule, however there may be some delays in cleaning from 12pm – 1pm.

## Appendix IV

# Contact Tracing Template

## COVID-19



Once an employee has presented symptoms of Coronavirus Disease 2019 (COVID-19), it is critical for the employee's supervisor to quickly trace potentially affected locations and contacts to mitigate spread. This form enables supervisors to conduct contact tracing as outlined by the Centers for Disease Control (CDC). It is designed to capture the ill employee's contacts (close contacts and unknown risk) and visited locations starting two days prior to the onset of symptoms.

Once completed, these forms should be shared with <insert POC name and contact information> for appropriate communication efforts and <insert POC name and contact information> for facility cleaning.

### Talking with An Employee

When speaking to an ill employee for contact tracing, the employee's supervisor should explain that they are calling to identify:

- people on the court unit campus that the ill employee was in contact with starting two days prior to symptoms (or two days prior to test specimen collection if they are asymptomatic);
- types of interactions they had (to help identify risk levels); and
- rooms and spaces on campus they visited to help identify any special cleaning needs.

The questions should solely focus on contacts and locations related to the court unit campus, not outside of workplace. If an employee prefers, s/he may complete this form on their own and e-mail within 24-48 hours.

### Determining At-Risk Contacts

Use the COVID-19 Decision Tool on the following pages to determine which type of contacts the employee had:

- Identified Risk (Close Contacts) or
- Unknown Risk

**CONFIDENTIAL: This contact tracing form and the information it contains will be kept confidential, in accordance with applicable federal laws. The form and the information it contains will only be shared with individuals who have a need to know, will be maintained separate from individual employee personnel files, and will be properly secured to protect the confidentiality of the information.**

**Date and Time of Form Completion:** \_\_\_\_\_ **Name of Person Completing this Form:** \_\_\_\_\_

**Employee has been informed that his/her responses to the following questions are focused solely on the specific court unit campus and interactions with judiciary staff, partners and clients: Yes \_\_\_\_\_ No \_\_\_\_\_**

**Name (if Contractor, initials are OK):**

**Supervisor's Name:**

**Organization (Court Unit or Contractor Company):**

**County/State of Residence:**

**Reason for Contact Tracing:**

*(Positive Test, Presumed Positive Diagnosis, Symptomatic)*

**Have you been in recent contact with someone suspected or known to have COVID-19?**

**If yes, date of contact?**

**Last Day on Court Unit Campus:**

**Date of Symptom On-set:**

**Test or Diagnosis Date:**

**Test Result and Date:**

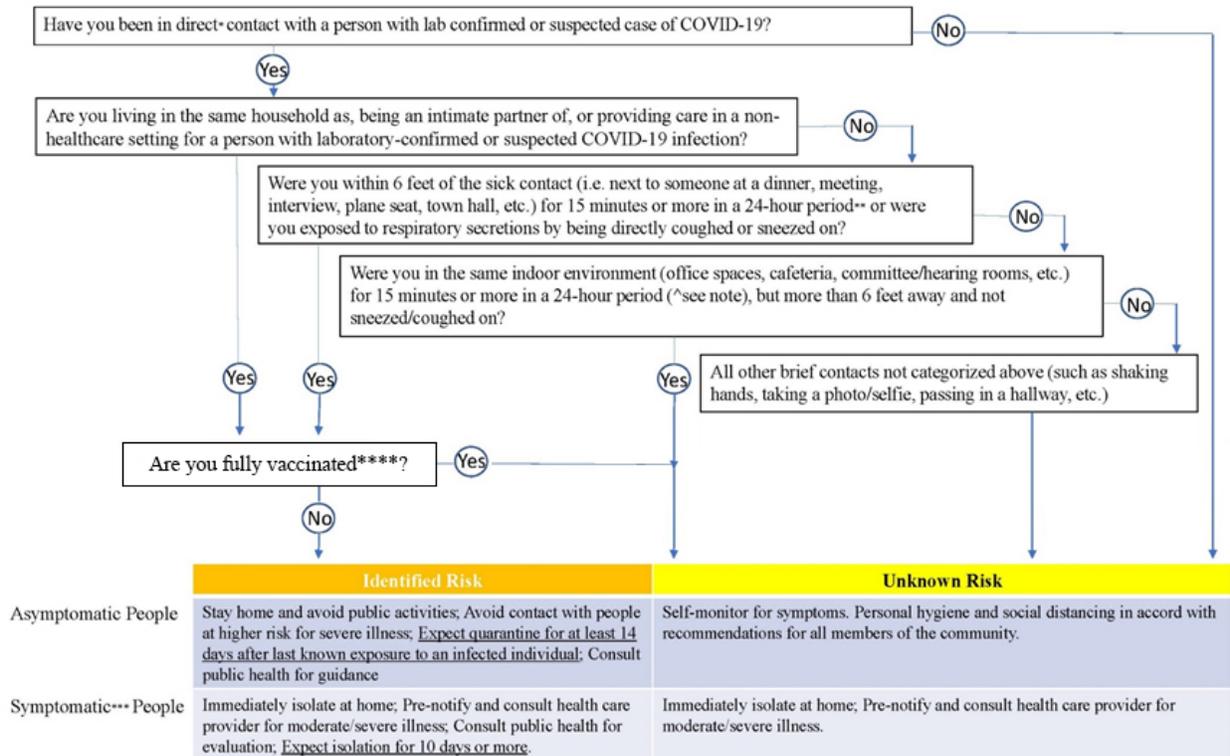
**Narrative (please describe the case in plain language):**

**Does the ill person have any lessons learned, or things they would do differently in the future?**

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## Decision Tool

In the absence of specific guidance from local public health professionals this CDC based tool may be used. Recommendations may be modified by local authorities.



- \* person to person; NOT higher order contacts such as a 'person who met a person who met a person...'
- \*\* 15 minutes of cumulative exposure in a 24-hour period; may be continuous or discontinuous (e.g. 3 exposures of 5 minutes each); with or without wearing a mask; see [CDC definition](#)
- \*\*\* Symptomatic = fever > 100.4 F, chills, fatigue, muscle or body aches, congestion or runny nose, sore throat, cough, shortness of breath, nausea or vomiting, diarrhea, headache, or new loss of taste or smell
- \*\*\*\* fully vaccinated as [defined by the CDC](#); includes  $\geq 2$  weeks following completion of vaccine series, within 3 months of vaccine series completion, and asymptomatic since current COVID-19 exposure

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Please use the COVID-19 Decision Tool and table below to list all workplace close contacts starting two days prior to the onset of symptoms. Direct any close contacts to take the appropriate actions listed in the Decision Tool.

Questions for the employee to consider:

1. With whom did you work closely starting two days before you began demonstrating symptoms of COVID (anyone who was within 6 feet for a cumulative total of 15 minutes or more over a 24-hour period\*)?
2. Were you closer than 6 ft to anyone for short, but multiple periods of time in one day, totaling more than 15 minutes in a 24-hr period\*?
3. Who did you eat lunch with or spend more than fifteen minutes in a break room with that was closer than 6 ft to you?
4. Is there anyone you accidentally coughed or sneezed on that was 6 ft or closer?

Name	Location / Organization	Date of Contact	Type of Contact (1,2,3)	Did YOU wear a mask?	Did THEY wear a mask?	Location of Contact (Bldg, Office, Room #)	Duration of Time	Quarantine End Date (+14 days from Last Day of Contact)

**Types of contact:**

- 1 – Direct, close contact (e.g., carpooling, same household, etc.) 2 – Accidental coughing or sneezing  
 3 – Within 6 feet for a cumulative total of 15 minutes or more\*

*\* Individual exposures added together over a 24-hour period (e.g., three 5-minute exposures equal a total of 15 minutes). Per the [CDC definition](#) of “close contact” the determination of close contact should be made irrespective of whether the ill individual or contact was wearing a face covering/mask.*

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**Brief or Distant Contacts (Unknown Risk)**

In the table below, please list all brief workplace contacts starting two days prior to the onset of symptoms. Do not include “close contacts” listed above.

Question for the employee:

1. Who did you spend time in the same room with for more than fifteen minutes that stayed more than six feet away from you?
2. Who did you spend time in proximity (6 ft or less) for less than fifteen minutes (i.e. in an elevator, passed in a hallway, facility entrances/security check points, etc.)?

If the ill employee is confirmed positive and had a contact defined by the COVID-19 Decision Tool as an unknown risk, direct the contact(s) to take the action listed in the Decision Tool.

Name	Jurisdiction / Organization	Date of Contact	Type of Contact (1,2,3)	Did YOU wear a mask?	Did THEY wear a mask?	Duration of Time	Office Location and Room #

**Types of contact:**

- 1 – Within 6 feet for a short period of time (cumulative exposures over a 24-hour period total less than 15 minutes)
- 2 – Greater than 6 feet (short or long period of time)
- 3 – Other brief contact

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Please list all the locations within the facility the ill employee visited for more than 15 minutes starting two days prior to the onset of symptoms. Be as specific as possible. *Identified areas should be closed to the extent possible until a cleaning determination has been made.*

Location, including Room #	Date	Duration of time in this location

**Spaces: Unknown Risk**

In addition, please list any other locations on the facility the ill employee recalls visiting for less than 15 minutes starting two days prior to the onset of symptoms that are not documented above. Be as specific as possible.

Location, including Room #	Date	Duration of time in this location

**CONFIDENTIAL: This contact tracing form and the information it contains will be kept confidential, in accordance with applicable federal laws. The form and the information it contains will only be shared with individuals who have a need to know, will be maintained separate from individual employee personnel files, and will be properly secured to protect the confidentiality of the information.**