Partially rescinded 12-01-20 by 2020-PR-122

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

MAR 12 2020

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Administrative Order

2020-PR-013

Re: Kansas Judicial Branch Policy on Pandemic Disease

This order addresses issues arising from the potential for a local or statewide outbreak of the current coronavirus disease (COVID-19) and the March 11, 2020, declaration by the World Health Organization that this disease is pandemic.

1. The Office of Judicial Administration, in consultation with the Kansas Supreme Court, is in contact with state health and emergency preparedness officials and is monitoring the ever-changing conditions. As necessary, OJA and the Court will release updates that may impact the workplace or court proceedings. All employees must monitor email for updates and be ready to immediately implement any directions.

2. If any judicial branch employee exhibits COVID-19 symptoms in the workplace, an appointing authority, after consultation with the Kansas Judicial Branch's director of personnel, or designee, will direct the employee to leave the office. The required leave will be coded as administrative leave.

3. Any judicial branch employee, when away from work, who runs a fever of 100 degrees or higher or displays other COVID-19 symptoms should not report to work but must notify his or her supervisor. No employee may return to work until fever-free for 24 hours without the use of a fever reducing medication. Upon the supervisor's approval, the employee's leave will be coded as administrative leave.

4. Any judicial branch employee who has contact with an individual suspected or known to have COVID-19 must report that contact to the employee's supervisor. The supervisor must report any such contact to the district's court administrator or the Chief Judge, who should then report the contact to the Kansas Judicial Branch's director of personnel. The director of personnel may determine if the contact warrants directing the employee to leave the office and coding the required leave as administrative leave.

5. Any judicial branch employee who has been caring for a household member or individual with a fever of 100 degrees or higher may not return to work until the individual has been fever-free for 24 hours without the use of a fever reducing medication.

6. Each chief judge must designate an employee, either by county or district, who will be responsible for gathering from all judicial branch employees in the county or district, a list of all out-of-state locations to which each employee has travelled since January 1, 2020. That list should be collected and transmitted to the Kansas Judicial Branch's director of personnel by 5 p.m. on March 16, 2020. If any location is one in which an outbreak of COVID-19 has been or is reported, the director of personnel will discuss with the Chief

Judge the possibility of the employee working from home or in another isolated setting. An employee may be given administrative leave.

7. Each Chief Judge must post notices alerting members of the public, including parties and their attorneys, to COVID-19 issues. One notice will include steps to be taken to avoid spread of the disease. One notice will provide a phone number or email address where any individual may seek assistance in rescheduling or otherwise completing his or her court business. The notice templates are available from the Office of Judicial Administration.

8. All judges and supervisors should take steps to assure appropriate social distancing of six feet in courtrooms and work environments, to the extent feasible. When possible, meetings should be conducted through telephone or video conferencing.

9. Chief judges in districts that have an existing Continuity of Operations Plan (COOP) should provide those to their departmental justice by 5 p.m. on March 16, 2020. Districts without a COOP must work to develop one as soon as possible. The Chief Judge should communicate with the departmental justice about the expected timeline for the plan's development. The plan, at a minimum, should:

    - Identify critical functions—those functions that need to be performed to assure that the capability exists to continue essential functions and services even if the court must close to the public or operate at reduced staffing—including

        - judicial functions;
        - court services functions;
        - clerks' office functions; and
        - information technology functions.

    - Identify critical employees, by name or position, and backups to those employees. Critical employees are those necessary to perform the identified critical functions.

    - Explain how critical functions will be performed if the court is closed or must operate on reduced staffing for up to 30 days, 30 to 90 days, or longer.

    - Identify methods for performing those functions through web or VPN access, by videoconferencing, or other alternatives rather than in-person or in the courthouse. Explore telecommuting options. Consider how court operations might be conducted if an outbreak is limited to one community, county, or other geographic area in the district. Consultation with the director of personnel is necessary before finalizing any telecommuting plan.

    - Develop a communication plan for employees. Gather employee phone numbers, email addresses, or establish other communication avenues to

notify employees of closures or limitations on work access. When possible obtain multiple contact numbers or email addresses for all individuals.

- Develop social and other media plans to advise the bar, law enforcement, and the public of any limitations on courthouse access.

- Obtain or update contact information for persons who work with the courts, including the sheriff, county or district attorney, county clerk, local bar association, public defender, legal aid, and county commissioners.

- Ensure that telephones will be answered or messages will provide information about closures or restrictions and that fax machines will be operable.

10. Local conditions may vary. A departmental justice or the Chief Justice, after consultation with a chief judge, may order a court closed because of an infectious disease outbreak. Any closure ordered and approved in this manner shall result in a "legal holiday" for that court for purposes of preserving statutes of limitation, as provided in K.S.A. 2019 Supp. 60-206(a). Once such order is entered the chief judge must consult with the director of personnel to determine whether employees who are otherwise scheduled and able to work during the period of closure will be assigned to another office, allowed to perform work at home, or be placed on administrative leave.

Dated this 12th day of March 2020.

FOR THE COURT

Marla Luckert

MARLA LUCKERT
Chief