

Contact Tracing Considerations



Courts should have policies and procedures in place so they are prepared to respond quickly upon receiving notification that an employee tested positive for COVID-19. These procedures will ensure that you confidentially notify employees who may have been exposed and that work locations are disinfected in a timely manner. The procedures recommended below are not substitutes for the robust contact tracing performed by the local health departments and are intended to help the court take necessary safety precautions while awaiting further information resulting from local health department investigation. Courts should also note these are general principles that can change rapidly depending on the specific circumstances and location.

1. Upon receiving notification that an employee has tested positive for COVID-19, immediately contact your local public health authorities and follow their recommendations. You may disclose the identity of the employee in response to any required notification to OSHA (i.e. if the employee was infected as a result of performing work-related duties) and to state and local health departments that are collecting information about the spread of the virus. There is no obligation to report a suspected or confirmed case of COVID-19 to the CDC. (The employee's health care provider has that reporting requirement.)
2. Determine whether the employee has had contact with other employees. If possible, ask the employee to identify coworkers he or she has come into contact with over the past 14 days.
3. There are two types of contacts—close and casual. The focus is on close contacts because they are most at risk. Close contact means direct contact with a COVID-19 case (less than six feet apart) for as little as 10 minutes. Casual contact is anything outside of close contact.
4. You are not required to notify office locations in other court buildings, unless the employee visited those sites within past 14 days.
5. Ask the infected employee to identify visitors, vendors, or third parties with whom they may have come into contact at work (including off-site work contacts and building management, if applicable) within the past 14 days.
6. Notify co-workers who may have come into contact with the employee at work within the past 14 days that they may have been exposed to COVID-19 and may wish to see a health care provider. (See draft language below.) The local health department may have guidance as to whether quarantine or self-monitoring are required based on the level and duration of exposure. The following language can be used to notify employees who have been exposed to COVID-19:

As we continue to work through the COVID-19 virus, one of our many priorities includes the health and safety of our employees. Therefore, you are receiving this notice because you have been identified as someone who has been in close contact with an employee, contractor, or visitor to the building/court house who has tested positive for the COVID-19 virus. Out of an abundance of caution, we

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wanted to notify you as a precautionary measure so that you can monitor your health and seek the advice of your health care provider.

7. Efforts to identify third parties who may have come into contact with an employee through work can include review of the employee's work calendar, visitor logs, or otherwise readily available or known information.

DO NOT identify the infected employee by name and avoid making any direct or indirect references that would lead coworkers to guess the identity of the employee.

8. Determine where the employee worked within the building and apply cleaning and disinfection protocols, or arrange for a professional cleaning of the employee's workspace, immediate surrounding area, and areas likely visited by the employee (common spaces, breakroom, elevators, restrooms, etc.). The following CDC link provides helpful steps to follow for cleaning and disinfection:
<https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>,
https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/ReOpening_America_Cleaning_Disinfection_Decision_Tool.pdf
9. For employees who had close contact with the employee in past 14 days, send them home for a 14-day self-quarantine. Quarantined employees who are unable to telework may be eligible for paid/unpaid leave based on federal/state/local laws. For instance, effective April 1, 2020, the recently passed FFCRA requires employers with less than 500 employees to provide employees with two weeks (80 hours) of paid leave at the employee's regular rate of pay when the employee is unable to work because the employee is quarantined and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.
10. Respond to inquiries by CDC or public health authorities as/if received. The employer is allowed to disclose the identity of the employee and protected health information to CDC and/or public health authorities.
11. If you receive notification that a visitor to your court tested positive for COVID 19 you should immediately contact the local health department and follow their guidance. Steps may include the following: determining close contacts in a confidential manner, providing notice of potential exposure to those contacts, and cleaning and disinfecting of exposed work areas.