



State of North Carolina
General Court of Justice

19A Judicial Division
Superior Court Division

MEMORANDUM

MARTIN B. (MARTY) MCGEE
SENIOR RESIDENT SUPERIOR COURT JUDGE

LINDSAY A. DANIELS
TRIAL COURT COORDINATOR

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TO: Interested Persons
FROM: Marty McGee – COVID-19 Coordinator *MBM*
DATE: July 31, 2020
RE: Standardizing COVID-19 Reporting Procedures (Amended)

As challenges caused by COVID-19 continue to expand, this memorandum sets forth our standardized approach to responding to a COVID exposure in our courthouse. This guidance includes anyone who has been diagnosed or exposed to the virus or is quarantined due to being in close contact. We must all treat persons diagnosed or exposed to the virus with respect and empathy. We must respect their privacy. We shall continue to work with the Cabarrus Health Alliance to follow best practices. Our court appreciates your cooperation and suggestions for improvements.

As a reminder, the Chief Justice has ordered that:

Emergency Directive 2

The clerks of superior court shall post a notice at the entrance to every court facility in their county directing that any person who has likely been exposed to COVID-19 should not enter the courthouse. A person who has likely been exposed to COVID-19 and who has business before the courts shall contact the clerk of superior court's office by telephone or other remote means, inform court personnel of the nature of his or her business before the court, and receive further instruction. For purposes of this order, a person who has likely been exposed to COVID-19 is defined as any person who:

- a. has travelled internationally within the preceding 14 days;
- b. is experiencing fever, cough, or shortness of breath;
- c. has been directed to quarantine, isolate, or self-monitor;
- d. has a known exposure to COVID-19;
- e. has been diagnosed with COVID-19; or
- f. resides with or has been in close contact with any person in the abovementioned categories.

1. Your Contact. The primary contact (the "Contact") for COVID-19 issues within the Cabarrus County Court system shall be Kelly Guza (704-262-5627, Kelly.s.guza@nccourts.org). If Ms.

Guza is not available, Lindsay Daniels (704-262-5632, Lindsay.a.daniels@nccourts.org) is the secondary contact. In an emergency situation, and if neither Ms. Guza or Ms. Daniels are available, then Judge Marty McGee (Judgemcgee@nccourts.org) or Judge Wilhelm (Christy.e.wilhelm@nccourts.org) should be contacted by hiring authorities, lawyers, or the public as provided below.

2. Who Should Contact Ms. Guza. To standardize the flow of information, the following persons should report COVID-19 information to the Contact as provided below:
 - a. Hiring Authorities (Clerk, District Attorney, Sheriff, Law Enforcement Heads, etc.)
 - b. Attorneys
 - c. Public
 - d. Judges
 - e. Law Enforcement Commanding Officers and the Judicial District Manager
3. What COVID-19 Information should be Reported. To protect public health, the court needs to know if anyone who has entered the courthouse has been diagnosed with COVID-19, has had recent contact with a person who has COVID-19, has been directed to be tested or quarantine, or who has flu-like symptoms (an “affected person”). If a person who fits into these categories has entered the building, the Court needs to know where they have been inside the space, who they have been in contact with and for how long, if they have had personal contact with an inmate, and if they had a mask on at all times while in the building or while having contact with an inmate. The court also needs to know if any affected person – employee, lawyer, litigant, defendant, officer, witness, etc. – is scheduled to come into the courthouse.
4. What will be done with the COVID-19 Information. The Contact will be the sole person to report to the County the areas of the building that need to be cleaned. Specifically, the County has requested the following information to understand the level of cleaning needed:
 - Location – building level, office number, courtroom number, etc.
 - What needs to be cleaned, where did the person go, did they travel to other offices or breakrooms, copiers, etc.?
 - Was the person diagnosed as COVID-19 positive?
 - Was the person showing symptoms, had contact with a positive COVID-19 person, or sent home just as a precaution?

If more information is needed by the Contact, then the Contact will get in touch with the affected person. Based upon the criteria set by the court, the Contact has authority to inform the affected person that he or she is excused from appearing at the courthouse. The Contact may also encourage the affected person to contact the Cabarrus Health Alliance for advice and possible testing.

The Contact will also communicate with judges, attorneys, the district attorney and/or the clerk if a person has been excused from being present at the courthouse. No further information should be communicated as to why the person is excused from the building. The privacy of those reporting should be respected.

Upon notification of a positive case, the Contact shall notify the Cabarrus Health Alliance of the same.

The Contact will also share information provided to Judge McGee and Judge Wilhelm on a need to know basis for them to evaluate next steps. Information will be shared by Judge McGee with the Cabarrus Health Alliance for advice purposes. Judge McGee will also communicate with the Sheriff/jail any information necessary for the protection of inmates and staff.

5. Responsibility to Report by Courthouse Employees. Employees who test positive have a duty to notify the Cabarrus County Health Alliance (704-920-1213) that they work in the Cabarrus County Courthouse. Employees should also notify their hiring authority (Clerk, District Attorneys, Sheriff, etc. or their designee) if they have been diagnosed or had close contact with a person who has been diagnosed with COVID-19, if they have been directed to test, quarantine, or have flu-like symptoms. Hiring authorities should keep this information confidential and report the same as provided above.
6. Responsibility to Report by Attorneys. Attorneys who have been diagnosed or had close contact with a person who has been diagnosed with COVID-19, if they have been directed to test, quarantine, or have flu-like symptoms should report the same to the Contact. If an attorney learns of an affected client or staff member that has been in the building, then counsel should direct that person to report the same to the Contact.

Counsel should also report to the Contact any cases in which they are scheduled to appear that need to continued. Counsel should contact opposing counsel/ADA to let them know that they have been excused from court. Counsel is also responsible to contacting their clients to let them know that their appearance is not necessary, and they should not report to court.

7. Responsibility to Report by Courthouse Security. If Security learns of a possible affected person being present in the courthouse, the officer should immediately inform the presiding judge, who should then report the information to the Contact. If Security learns of a possible affected person appearing elsewhere in the courthouse, then he or should notify David Allred or his designee, who should then report the information to the Contact.
8. Law Enforcement Commanding Officers and Judicial District Manager. If a Law Enforcement Commanding Officer or the Judicial District Manager learns of an officer, witness or probationer who meets the criteria set forth above has either been in the courthouse or is scheduled to be in the courthouse, then he or she should report this information to the Contact.
9. Responsibility of the Public. The public, like all members of our courthouse community, are required to follow the directions contained in Emergency Directive 2, which is listed above. If a member of the public learns that they meet the criteria set forth in Emergency Directive 2, then they should not enter the courthouse. If represented by counsel, they should inform their counsel of their situation by email or telephone contact. All persons, as provided in Emergency Directive 2, should also contact the Clerk at 704-262-5500 and not enter the

building until receiving further direction. Anyone who has been in the building, and then learns of an exposure, should contact the Contact.

10. Responsibility of a Clerk Gaining Information from the Public. If a member of the general public informs a clerk that said person meets the criteria forth above and has been in the building or plans to be in the building, the clerk should transfer the call to the Contact, or if the Contact is unavailable, then obtain the person's contact information and reasonable details to pass along to the Contact.
11. Leave Policies of the Hiring Authorities. When an employee tests positive for COVID-19, or there is a presumptive positive result, then the Employee must be removed from the workplace until the Employee receives additional care information. Hiring authorities should exercise their discretion in granting leave to employees who have been or possible have been affected by COVID-19.
12. Return to the Courthouse. Before returning to the courthouse, any person who is COVID-19 positive, had close contact with someone with COVID-19, or been given isolation or quarantine guidance from their local public health department, should obtain clearance from the Cabarrus Health Alliance or the health department of their home county. At a minimum, following CDC guidelines, before returning, an affected person should: (1) go 3 days/72 hours with no fever without use of fever-reducing medications, and (2) show improved respiratory symptoms, and (3) 10 days have passed since the onset of symptoms. The Cabarrus County Health Alliance will provide letters indicating that an affected person has been released from isolation or quarantine for Cabarrus County residents. CHA will also provide documentation regarding the recommendation not to test as testing is only recommended for those who meet criteria set by the NC DHHS. For residents outside of Cabarrus County, persons should work with their home health department to produce the same information. This information should be provided to the Contact to receive clearance to enter the building.
13. Miscellaneous.
 - a. Counsel should make reasonable inquiry of clients and witnesses regarding their possible exposure to COVID-19 prior to directing them to report to the courthouse. Counsel should ask follow-up questions once they are in the building.
 - b. Everyone should be familiar with Administrative Order 20-15 (Safety Order) and follow its requirements.
 - c. Remote work is encouraged when possible.
 - d. CHA will be consulted regarding closure of the courthouse if circumstances suggest the need to consider doing so. In the event of a temporary closure of the courthouse, everyone shall work with the COVID-19 Coordinator to present a timely and consistent message to inform the public to the extent allowed by law. All hiring authorities should convey a consistent message to the public on their website or social media.
 - e. Hiring authorities are required to report all instances of COVID-19 positive employees to the safety and continuity of operations consultant in Human Resources and follow other AOC reporting requirements.