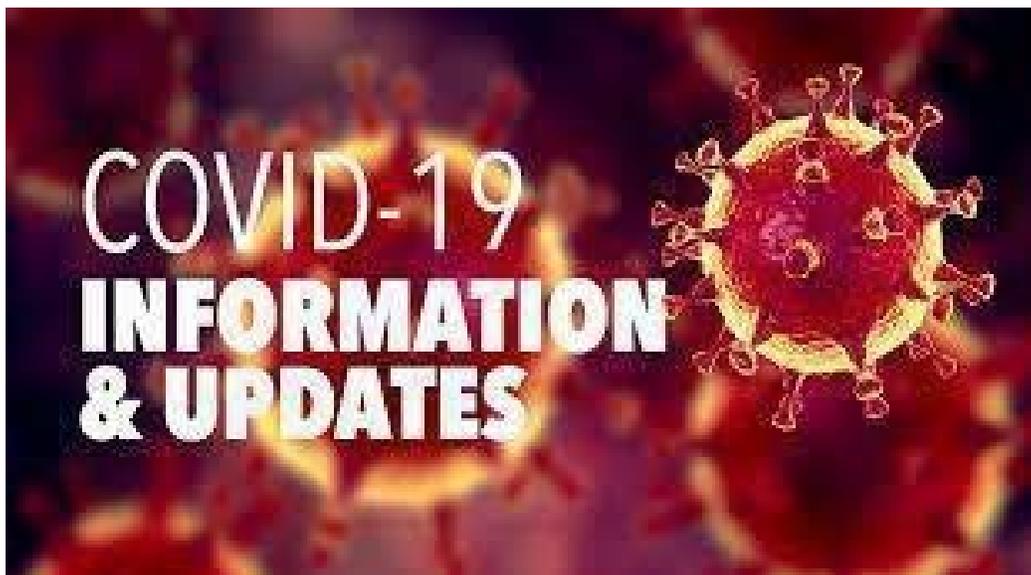


New Mexico Judicial Branch



Coronavirus (COVID-19): Frequently Asked Questions for Employees

Revised: October 16, 2020

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New Mexico Judicial Branch Coronavirus (COVID-19): Frequently Asked Questions for Employees and Managers

These FAQs are intended to supplement the NMJB Pandemic, Communicable Disease Emergency, including the coronavirus (COVID-19) Policy and Emergency Leave as well as the NMJB Novel Coronavirus and **COVID-19 FAQs and Resources for Judges and CEOS**. Please carefully review the policy in conjunction with these FAQs.

MASKS OR OTHER PROTECTIVE FACE COVERINGS

*Face coverings include all masks or other face coverings that cover the nose and mouth. Plastic face shields are not a substitute for masks or other face coverings but may be worn in addition to the face coverings.

1. Are masks or face coverings required in the workplace?

- Yes.
- The use of a protective face covering that fully covers the nose and mouth and secures under the chin shall be required by anyone, including judicial officers and judicial employees, entering and while in a courthouse, judicial building, or other physical space used, occupied, or operated by the New Mexico Judiciary.
- Protective face coverings must:
 - Be made with at least two (2) layers of breathable material,
 - Fit snugly but comfortably against the side of the face,
 - Not have holes including exhaust valves,
 - Not be made of lace, mesh, knitted material, or fleece, and
 - Be secured with ties or ear loops and allow the wearer to have their hands free.
- At this time, based on guidance from health authorities, the following are **not acceptable** face coverings or masks:
 - Neck gaiters,
 - Bandanas,
 - **Clear masks,**
 - Masks with exhaust valves, mesh material, or holes of any kind, and
 - Any face covering deemed inappropriate by the administrative authority of a court or judicial facility.
- All persons including employees, judicial officers, contractors, vendors and volunteers must wear face coverings while entering and exiting the building, while on court or judicial entity grounds including parking areas, and while on breaks.

The Emergency Court Protocols exclude the following individuals from the mask or face covering requirement.

- Young children who are unable to remove the face covering without assistance;
- Any person who provides written proof that the person has been advised by a health care provider not to wear a face covering (**If an employee has been advised by a health care provider not to wear a face covering, please contact their Human Resources professional to discuss this situation**);
- Anyone who is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance; or,
- A judicial officer or employee who is alone working in a private office when no one else is present is also not required to wear a mask (see below).

2. When can I remove my face covering?

- If an employee is working in a private office, they may take their face covering off when they are in their private office alone.
- An employee may keep the door to the office open and have their face covering off provided there is an appropriate social distance (a minimum of 6 feet) from the doorway to the employee's desk and provided the employee puts on the face covering if someone comes to the door, enters the office or the employee leaves the office.

3. Can I wear a face shield or some other alternative in lieu of a face covering?

- There are no acceptable alternatives to wearing a face covering.
- Face shields are not permissible in lieu of a mask or face covering, but may be worn in addition to a mask or face covering.

4. Do I need to put on my face covering before I enter the court, judicial facility or place where judicial business is being conducted?

- Yes.
- Employees and judicial officers must have the face covering on before they enter a court or judicial facility and the mask or face covering must remain on while traveling throughout the building, including into or out of the restroom, when exiting the building, and while they are on court property including any court parking area.

5. Do I need to wear my face covering on a break?

- Yes.

- If an employee takes a break (inside or outside of the court or judicial facility), the face covering must remain in place unless they are in a private office alone.

6. Do I still need to socially distance if I wear a face covering?

- Yes.
- All employees, judicial officers, contractors, vendors, and volunteers must wear a face covering AND maintain a social distance of a minimum of six (6) feet. If a minimum of six-foot distancing cannot be maintained, Plexiglass or other barriers must be installed.

7. Is a large cubicle a private office?

- No.
- Cubicles, carrels, and similar spaces are not considered private offices.
- Masks or face coverings are required of all employees and judicial officers at all times in all areas of courthouses and judicial facilities.

8. If I wear a face covering, do I need to follow any other protocols?

- Yes. Face coverings shall be worn in addition to other protocols and safeguards such as:
 - Ensuring a minimum of 6 feet of physical distancing from others;
 - Frequent and daily disinfecting of face coverings;
 - Frequent hand washing for at least 20 seconds with soap and water or use of hand sanitizer; and
 - Frequent sanitation of the employee's workspace.
 - Sanitation of work areas before a different employee uses the workspace.
- Please see the following for additional resources and information:
[CDC Poster: Important Information about Your Mask or Face Covering](#)

9. Can I take off my face covering while I am working in a private office with the door open?

- An employee may remove their face covering while working in a private office, and they may leave the door open provided the following conditions are met:
 - There is appropriate space between the employee's doorway and where they work or their desk is located (there must be a minimum of 6' from the desk in the private office to the doorway), and
 - The employee puts on their face covering as soon as someone comes to their doorway, and prior to anyone entering their office.

MASK OR FACE COVERING & JUDICIAL PROCEEDINGS

10. Are face masks or face coverings required during judicial proceedings?

- Yes, during trials and hearings all participants including attorneys, witnesses and jurors shall wear a face covering at all times, including while testifying and deliberating.
- If the identification of a party or witness is required, they may remove the face covering for a very brief moment provided they do not speak while the face covering is removed.

11. During a judicial proceeding, can a party request that a witness be allowed to testify without a face covering?

- Yes, any party may request that a witness be allowed to testify without a face covering, which may be granted at the discretion of the judge subject to the following requirements:
 - The witness is required to appear by two-way audio-visual connection outside of the courtroom;
 - The audiovisual connection must enable simultaneous audio-visual communication between the witness, the judge and attorneys;
 - No other person shall be present in the room with the witness while the witness is unmasked;
 - The judge, court monitor or court reporter, the litigants and their counsel who are present in the courtroom, and all jurors shall be able to see, hear, and observe the demeanor of the witness while testifying; confidential communication between the testifying party and counsel shall be made available; and
 - The judge may find a witness is unavailable for testimony in the courtroom and shall make a factual finding on the record of the necessity for allowing audio- visual testimony.

TRAVEL LETTER

12. Can I be given a letter that states I am an essential employee so that I can travel to and from work?

- Yes.
- **Travel Form Template.** Governor Lujan-Grisham has stated that employees are not required to have this letter for travel, but at the present time, some employees need them in order to place a child in child care. Please reach out to the Human Resources department to assist with completing this form.

13. I need to take my child to a daycare facility that is only accepting children of parents who are essential employees. Will the court provide a letter stating that I am an essential employee of the courts?

- Yes.
- Management can provide you a letter designating you as an employee required to travel to work.

TELEWORK

14. If I have medical conditions that make me high-risk but my work is not typically conducive to working at home (such as bailiffs), am I able to be awarded administrative leave?

- No.
- The Emergency Response Team has compiled a list of **Telework Training Opportunities** for staff whose job responsibilities would not typically allow for telework.
- Chief Judges, CEOs and management may utilize this list, and amend or add as appropriate for their employee's needs, job classification, etc. The document includes work-related training resources such as manuals, rules, guidelines, webinars, and videos. Employees may review these training opportunities from home allowing for telework.
- An employee who is self-isolated and is not able to or permitted to work from home shall use annual and sick leave or, if eligible, the employee may use leave under the Families First Coronavirus Response Act.
- Employees should contact their Human Resources professional to discuss leave options.

DAILY SCREENING QUESTIONS AND REQUIRED POTENTIAL CORONAVIRUS (COVID-19) REPORTING

15. What does a judicial officer or employee who is experiencing symptoms associated with the coronavirus (COVID-19) while working on site, working remotely, or during off-duty hours need to do? What does management need to do?

- **If an employee calls in sick, management needs to ask the employee if they are experiencing coronavirus (COVID-19) related symptoms.**

- If the employee is experiencing coronavirus (COVID-19) related symptoms they must immediately receive a coronavirus (COVID-19) test, engage in a period of self-isolation and work from home during the period of self-isolation to the extent that work can be performed remotely with the permission of the chief judge, administrative authority or designee.
- If the employee is tested while symptomatic, and the test is negative for the coronavirus (COVID-19), the employee may return to the work after they have been symptom-free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
- The coronavirus (COVID-19 test) must be taken by an approved DOH testing site, using appropriate and approved DOH tests.
- It is important for management and the chief judge, administrative authority or designee, to be aware of a judicial officer or employee who are experiencing coronavirus (COVID-19) symptoms, who have had contact with a confirmed or potential positive coronavirus (COVID-19) case (contact is defined as less than six (6) feet for more than three (3) minutes), or who is being tested for the coronavirus (COVID-19), to allow the Court to ensure there is no entry into the facility or court building while the judicial officer or employee is symptomatic.
- The CEO or their designee **must immediately** report the potential or confirmed coronavirus (COVID-19) case to the ERT using the electronic Google Form. A follow-up report is required once the test results are received.
- All judicial officers or employees wishing to enter a courthouse or judicial building or that are physically interacting with coworkers or the public in the course and scope of their work must complete the screening questions.
- A judicial officer or employee who is teleworking should report experiencing any of these symptoms to their supervisor and HR immediately if the worker has been at the courthouse or judicial building within the past fourteen (14) days of first experiencing the coronavirus (COVID-19) symptoms.

CORONAVIRUS (COVID-19) SYMPTOMS

16. If an employee is experiencing a shortness of breath, difficulty breathing, a dry cough, a temperature at or above 100.4, chills, sore throat, body aches, headaches, or has lost the sense of taste or smell, what should the employee do?

- If the employee begins exhibiting symptoms before they arrive at work, they may not go to work and must notify their immediate supervisor, manager, and Human Resources immediately.

- If the employee begins exhibiting symptoms while at work, they must notify their supervisor and Human Resources, and leave immediately.
- Employees experiencing a medical emergency should call 911, and notify the operator of their symptoms.
- Employees not having a medical emergency are encouraged to seek medical care right away.
- **Employees exhibiting symptoms shall obtain a COVID-19 test immediately.**
- **The coronavirus (COVID-19 test) must be taken by an approved DOH testing site, using appropriate and approved DOH tests.**
 - **If the test is POSITIVE, and prior to returning to the workplace:**
 - ❖ the chief judge, administrative authority, or designee must report a positive case to the Supreme Court's ERT within **two (2) hours** of learning of the positive case.
 - ❖ the employee must self-isolate for 14 days from the date the symptoms began,
 - ❖ be symptom free for 72-hours without the use of fever reducing medicine,
 - ❖ obtain and provide Human Resources a NM DOH clearance (return to work) letter, and
 - ❖ be able to pass the daily screening before returning to work.
 - **If the test is NEGATIVE and the employee received a test while displaying symptoms associated with the coronavirus (COVID-19), the employee may return to the workplace** after they have been symptom-free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
 - **If the test is NEGATIVE and the employee did not receive a test while displaying symptoms associated with the coronavirus (COVID-19), prior to returning to the workplace** the employee must self-isolate for fourteen (14) days, and not return to the workplace until they have been symptom free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
- **The CEO or designee must complete and submit to the Supreme Court's ERT the Potential or Confirmed Case - Initial Report Checklist.**
- A person self-isolating may only leave a residence or place of lodging to receive medical care and should not allow others into the residence or place of lodging except for those providing medical care, emergency response or other individuals designated by the NMDOH.
- Employees experiencing COVID-19 related symptoms MUST contact the New Mexico Department of Health (NMDOH) Coronavirus (COVID- 19) hotline at 1-855-600-3453.

17. What should **management** do if an employee advises them that they are experiencing a new shortness of breath, difficulty breathing, a dry cough, or a temperature at or above 100.4, chills, sore throat, body aches, headaches, or have lost their sense of taste or smell? Can the employee come to work and if they are already at work, should they be sent home?

- Management must ensure that screening protocols are properly conducted daily to prevent sick employees from entering the court, facility or judicial property.
- If the symptoms arise after the employee is already in the court, facility or judicial property they **must immediately be sent home**.
- Employees **shall notify** their supervisor or manager immediately and **PRIOR** to entering the workplace if they are experiencing a new shortness of breath, difficulty breathing, a dry cough, a temperature at or above 100.4, chills, sore throat, body aches, headaches, or have lost their sense of taste or smell, or if they have concerns that they may have been exposed to the virus.
- **Employees exhibiting symptoms shall obtain a COVID-19 test immediately.**
- The coronavirus (COVID-19 test) must be taken by an approved DOH testing site, using appropriate and approved DOH tests.
 - **If the test is POSITIVE, and prior to returning to the workplace:**
 - ❖ the chief judge, administrative authority, or designee must report a positive case to the Supreme Court's ERT within **two (2) hours** of learning of the positive case.
 - ❖ the employee must self-isolate for 14 days from the date the symptoms began,
 - ❖ be symptom free for 72-hours without the use of fever reducing medicine,
 - ❖ obtain and provide Human Resources a NM DOH clearance (return to work) letter, and
 - ❖ be able to pass the daily screening before returning to work.
 - **If the test is NEGATIVE and the employee received a test while displaying symptoms associated with the coronavirus (COVID-19), the employee may return to the workplace** after they have been symptom-free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
 - **If the test is NEGATIVE and the employee did not receive a test while displaying symptoms associated with the coronavirus (COVID-19), prior to returning to the workplace** the employee must self-isolate for fourteen (14) days, and not return to the workplace until they have been symptom free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
- **The CEO or designee must complete and submit to the Supreme Court's ERT the Potential or Confirmed Case - Initial Report Checklist.**

- **The Checklist will guide management in how to ensure the areas where the employee worked or accessed are cleaned prior to reopening.**
- All courthouses and other judicial buildings must be maintained in accordance with the guidelines issued by the NM Department of Health for the cleaning and disinfection of public facilities during the current public health emergency.
- **Cross-Tracing and Contact:** Management must determine all employees or judicial officers the possible positive employee came in contact with, and send those employees and judicial officers home to telework until the employee's test results are returned.

18. Contact with a Presumptive Positive or Confirmed Case: If I have an employee or judicial officer who self-reports that they came into contact (defined as within six (6) feet for three (3) minutes or more) with a presumptive case or a confirmed positive case of coronavirus (COVID-19), but they are not exhibiting symptoms, what should I do?

- If the contact occurred in the workplace, with a judicial officer or employee, or a person who works in or has entered the courthouse or other court facility, management must determine all employees and judicial officers who came in contact with the presumptive or possible positive case or confirmed positive case over the past fourteen (14) days.
- Employees and judicial officers **confirmed to have been in contact with a positive case** must be sent home immediately **and obtain a coronavirus (COVID-19) test.**
- The coronavirus (COVID-19 test) must be taken by an approved DOH testing site, using appropriate and approved DOH tests.
- The employee must self-isolate for fourteen (14) days or until the test results of the presumptive or possible positive person with whom they had contact are received.
 - **If the employee's contact is with a confirmed positive case:**
 - ❖ **If the employee's test is POSITIVE, and prior to returning to the workplace:**
 - ❖ the chief judge, administrative authority, or designee must report a positive case to the Supreme Court's ERT within **two (2) hours** of learning of the positive case.
 - ❖ the employee must self-isolate for 14 days from the date the symptoms began,
 - ❖ be symptom free for 72-hours without the use of fever reducing medicine,
 - ❖ obtain and provide Human Resources a NM DOH clearance (return to work) letter, and
 - ❖ be able to pass the daily screening before returning to work.

- **If the employee's test is NEGATIVE and the employee received a test while displaying symptoms associated with the coronavirus (COVID-19), the employee may return to the workplace** after they have been symptom-free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
- **If the employee's test is NEGATIVE and the employee did not receive a test while displaying symptoms associated with the coronavirus (COVID-19), prior to returning to the workplace** the employee must self-isolate for fourteen (14) days from the date of contact or exposure, (the fourteen (14) days begins when they first began the self-isolation from the potential exposure, and is not an additional fourteen (14) days), and not return to the workplace until they have been symptom free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
- **If during the self-isolation the employee begins exhibiting coronavirus (COVID-19) symptoms the employee must immediately obtain a test for the coronavirus (COVID-19).**
- **The CEO or designee must complete and submit to the Supreme Court's ERT the Potential or Confirmed Case - Initial Report Checklist.**
- **The Checklist will guide management in how to ensure the areas where the employee worked or accessed are cleaned prior to reopening.**
- All courthouses and other judicial buildings must be maintained in accordance with the guidelines issued by the NM Department of Health for the cleaning and disinfection of public facilities during the current public health emergency.

19. What does "came in contact," "close contact," or "contact" with someone mean?

- There is no distinction between close contact, came in contact, or contact.
- All are defined as being less than a minimum of six (6) feet from a potential or confirmed positive case of the coronavirus (COVID-19) for three (3) minutes or more. That definition also applies to "came in contact" for purposes of these FAQs.
- Close contact can occur while caring for, living with, visiting, traveling with, or sharing a healthcare waiting area or room with a coronavirus (COVID-19) case; or having been in contact with infection secretion of a coronavirus (COVID-19) case (e.g. being coughed on.)

20. When does a negative coronavirus (*COVID-19) test replace the fourteen (14) day self-isolation period?

- If an employee is symptomatic, experiencing coronavirus (COVID-19) related symptoms and is tested immediately upon becoming symptomatic and the test is negative, the employee may return to the workplace after being symptom free for 72-hours without the use of fever reducing medicine, and provided they are able to pass all daily screening questions.
- If an employee does not get tested while symptomatic, or if they are tested after the symptoms are gone, then they will need to still get tested, and self-isolate for fourteen (14) days, and not return to the workplace until they have been symptoms free for 72-hours without the use of fever reducing medicine, and are able to pass all daily screening questions.
- The coronavirus (COVID-19 test) must be taken by an approved DOH testing site, using appropriate and approved DOH tests.

21. If we learn or suspect that one of our employees has the coronavirus (COVID-19), do we have a responsibility to report this information to the CDC?

- No. The healthcare provider who receives the confirmation will make the report to the CDC.

EMPLOYEE LEAVE

22. If I believe I have the coronavirus (COVID-19), and was tested, and am waiting for my test results, what type of leave do I use?

- Employees may use accrued leave (sick, annual), or may be eligible to use Emergency Paid Sick Leave under the Families First Coronavirus Response Act of 2020.
- Employees who believe they have coronavirus and are awaiting testing may telework subject to the approval of the chief judge, Administrative Authority, or designee in each judicial entity.

23. If I contract the coronavirus (COVID-19), and I cannot telework, what type of leave do I use?

- Employees may use Pandemic and Communicable Disease Emergency Leave, which is for ten (10) days.
- Employees may use Emergency Paid Sick Leave under the Families First Coronavirus Response Act of 2020, which is up to for 80 hours.

24. How do I request Pandemic and Communicable Disease Emergency Leave?

- Employees must complete the Pandemic and Communicable Disease Emergency Leave Form No. 2020.NMJB.19-1, and attach a doctor's note. The Administrative Authority and Human Resources for the judicial entity need to review, approve and sign the form.
- [Pandemic and Communicable Disease Emergency Leave Request Form](#)

25. Can a Chief Judge, Administrative Authority, or designee approve an employee for Pandemic and Communicable Disease Emergency Leave for me?

- Yes, up to the limit of ten (10) working days, or 80 hours.
- Employees who are exhibiting symptoms of, or diagnosed with, a pandemic, communicable disease or the coronavirus (COVID-19), may be eligible for pandemic and communicable disease emergency leave, and/or Emergency Paid Sick Leave under the Families First Coronavirus Response Act.
- Employees whose immediate family members or household members are confirmed with a pandemic, communicable disease or the coronavirus (COVID-19) and must provide care may also be eligible for pandemic and communicable disease emergency leave and/or Emergency Paid Sick Leave under the Families First Coronavirus Response Act.
- [Pandemic and Communicable Disease Policy](#)

26. What is Emergency Paid Sick Leave?

- Emergency Paid Sick Leave is paid leave under the Families First Coronavirus Response Act, and is available to qualified employees who are unable to telework during the coronavirus (COVID-19) public health emergency.
- Full-time employees may receive up to 80-hours, and part-time employees receive a pro-rated amount.
- [Emergency Paid Sick Leave Request Form](#)

27. When can I request to take Emergency Paid Sick Leave?

- Qualified employees who are not able to telework full or part-time may use Emergency Paid Sick Leave under the following Circumstances:
 - Quarantine Order —when the employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
 - Self-Quarantine—when the employee has been advised by a health care provider to self-quarantine and self-isolate due to concerns related to COVID- 19;

- COVID-19 Symptoms—when the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- Care for Others—when the employee is caring for an immediate family member or someone who regularly resides in their home who is subject to a quarantine or isolation order or whose health care provider has advised the individual to self-quarantine and self-isolate due to concerns related to COVID-19;
- School/Childcare Closure—when the employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions (this can overlap with E-FMLA); or
- The employee is experiencing any other substantially similar condition specified by NMDOH and the NM Human Services Department (NMHSD).
- Place of care is a physical location in which care is provided for a child and does not have to be a physical location dedicated solely for such use, such as daycares located in a home. Please see [here](#) for more information.

28. If I am offered telework but decline the options, may I take Emergency Paid Sick Leave?

- No. Employees who are authorized and able to telework, but refuse, are not eligible for Emergency Paid Sick Leave.
- Managers are encouraged to allow employees alternate work schedules such as early morning or evenings to allow for teleworking opportunities.

29. How do I request Emergency Paid Sick Leave?

- Employees who are unable to telework, (e.g., extenuating circumstances), and fall under one or more of the categories in question 25 and 27 above, may submit the NMJB Emergency Paid Sick Leave request form to their Administrative Authority for submittal to the AOC HRD for paid coronavirus (COVID-19) leave for up to eighty (80) hours.
- Employees will be required to include verification for their request, e.g., doctor's note or school closure.

30. I was approved to take Emergency Paid Sick Leave. What do I enter in my timesheet?

- Once approved the employee will enter the time reporting code "PDCVL" or Paid COVID-19 Leave in SHARE with one or more conditions above in the comment bubble on the timesheet.

- Your Human Resources Professional may opt to enter the time on your behalf.

31.If I am affected by the daycare and school closures and am only able to telework part-time what type of leave may I take?

- Employees affected by the closure of daycare facilities or public or private school due to the Coronavirus (COVID-19) may be eligible to take Emergency Family Medical Leave for up to 10 weeks of paid leave.
- Employees who are able to telework must do so.

32.What is the Emergency Family and Medical Leave Act?

- The Emergency Family and Medical Leave Act (E-FMLA) provides for 12 weeks of job protection for an employee who is affected by the closure of daycare facilities or public or private school due to the Coronavirus (COVID-19).
- The E-FMLA provides employees ten (10) weeks of paid leave.
- While the first two weeks are unpaid employees may be eligible for Emergency Paid Sick Leave for those two weeks.

33.How do I know if I qualify for the E-FMLA?

- In order for employees to qualify for the E-FMLA they must meet the following conditions:
 - The employee is unable to telework and if at any point the employee becomes able to telework they must do so,
 - The employee has been employed with the state of New Mexico for at least thirty (30) days, and the employee has a qualifying need related to a public health emergency and as defined by the E-FMLA.

34.How many hours of E-FMLA may I request to take?

- The E-FMLA is available for the number of hours that an employee is normally scheduled to work even if that is more than 40 hours per week, including overtime, but in no event will the total number of hours paid exceed 80 hours per two-week period as stated in the Act.

35.How do I request E-FMLA?

- If employees are unable to telework, (e.g., extenuating circumstances), and fall under one or more of qualifying categories, an employee may submit a request using the NMJB E-FMLA request form to their Administrative Authority for submittal to the AOC HRD.

- Employees will be required to include verification for their request, e.g., doctor's note or school closure.
- [Emergency Family Medical Leave Expansion Act \(E-FMLA\) Request Form](#)

36. I was approved to take Emergency Paid Sick Leave. What do I enter in my timesheet?

- Your Human Resources Professional will enter the time on your behalf.

37. If I need to care for a person who has a confirmed case of the coronavirus (COVID-19) and I need to care for them what type of leave do I enter into SHARE

- Work with your supervisor or manager to see if you can telework.
- If you are unable to telework, you may request Emergency Paid Sick Leave pursuant to the Pandemic, Communicable Disease Emergency, including the Coronavirus (COVID-19) Policy.

38. Can more than one guardian take Emergency Paid Sick Leave or the Expanded Family and Medical Care simultaneously to care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons?

- You may take paid sick leave or expanded family and medical leave to care for your child only when you need to, and actually are, caring for your child if you are unable to work or telework as a result of providing care.
- Generally you do not need to take such leave if a co-parent, co-guardian, or your usual child care provider is available to provide the care your child needs. Please see [here](#) for more information.

TRAVEL BY THE EMPLOYEE, JUDICIAL OFFICER OR COURT VISITORS

39. Can I travel-out-of-state or internationally for work-related business?

- No, all out-of-state travel on work-related business by judicial officers and judicial employees is suspended until further order of the New Mexico Supreme Court.
- See:

Emergency Court Protocol No. 1, Precautionary Measures for Operating Courthouses and Other Judicial Buildings.

40. Can I travel internationally on personal business?

- All judicial officers and employees are strongly discouraged from traveling internationally on personal business.
- **Any judicial officer or employee who engages in international travel shall:**
 - Report the nature, extent, and details of the travel to the chief judge, administrative authority, or designee of the judicial district prior to travel, or if advance notice of the international travel is not possible due to unforeseen, emergency circumstances, must report as soon as possible after the travel begins; and
 - Any judicial officer or employee who engages in or returns from international travel **shall engage in a required fourteen (14) day period of self-isolation.**

41. Can I travel out-of-state on personal business?

- All judicial officers and employees are strongly discouraged from traveling out-of-state on personal business.
- **Any judicial officer or employee, who engages in out-of-state travel shall:**
 - Report the nature, extent, and details of the travel to the chief judge, administrative authority, or designee of the judicial district prior to travel, or if advance notice of the out-of-state travel is not possible due to unforeseen, emergency circumstances, must report as soon as possible after the travel begins; and
 - Any judicial officer or employee, who engages in or returns from out-of-state travel **shall engage in a required fourteen (14) day period of self-isolation** upon return to New Mexico before returning to the workplace except as outlined below (exceptions outlined below).
 - Any judicial officer or employee who engages in out-of-state or international travel shall comply with the self-isolation and self-quarantine requirements in Emergency Court Protocol No. 1, Precautionary Measures For Operating Courthouses and Other Judicial Buildings.
 - Any employee engaged in a period of self-isolation required under these Orders due to out-of-state travel (unless provided for in an exception) who is not already on an approved telework schedule shall take annual leave.
- The teleworking employee may continue remote work for the days in which they are regularly scheduled to telework during the self-isolation. Annual leave shall be used for any periods of time the employee is not currently on an approved

teleworking schedule

42. Are there any exceptions in which a judicial officer or employee can travel out-of-state and not have to self-isolate prior to returning to the workplace?

- Yes, exceptions to the fourteen (14) day self-isolation requirement are permitted under any of the following circumstances:
 - The judicial officer or employee is coming from a “lower-risk state” as defined as a state whose positive test rate is less than 80 per 1,000,000 residents or a test positive rate less than 5%, over a seven-day rolling average, provided there are no stops in a high-risk state during the travel, and that there were no mass gatherings involving people from a high-risk state (mass gathering as defined in the New Mexico Public Health Order). Employees who have a layover or stop in a high-risk state, for example, would have to self-isolate for fourteen (14) days unless they meet one of the exceptions outlined below.
 - If the travel by the judicial officer or employee is for commuting to and from the personal residence of the judicial officer or employee and if telework is not available, and provided there are no discretionary stops, the travel does not include mass gatherings with other persons, and the travel otherwise complies with other social distancing requirements and recommendations from New Mexico public health authorities.
 - If the judicial officer or employee left the state for 24-hours or less for matters attendant to non-discretionary parenting responsibilities, such as travel for custody or visitation exchanges, or to transport a child to or from school or college, and provided the judicial officers or employees do not engage in leisure or vacation activities, the travel is not to an international destination, there are no discretionary stops, the travel does not include a mass gathering with other persons, and the travel otherwise complies with other social distancing requirements and recommendations from New Mexico public health authorities.
 - For essential medical treatment for the judicial officer or employee or that person’s immediate family member, provided that the travel is not to an international destination, the travel is not for vacation purposes, there are no discretionary stops, the travel does not include a mass gathering with other persons, and the travel otherwise complies with other social distancing requirements and recommendations from New Mexico public health authorities.
- The Governor’s current executive order **recommends** that individuals self-isolate and be tested for COVID-19 within five (5) to seven (7) days after their return to New Mexico.
- **Emergency Court Protocols**

43. If I have contact with a household member or visitor who travels back into the state, or contact with someone required to self-isolate due to out-of-state travel do I have to self-isolate?

- Yes, judicial officers and employees **MUST** self-isolate for a period of at least fourteen (14) days from the date of contact with that person before returning to the workplace, or for as long as the visitor or household member is required to self-isolate.
- Any employee engaged in a period of self-isolation required under these Orders who is not already on an approved telework schedule shall take annual leave.
- The teleworking employee may continue remote work for the days in which they are regularly scheduled to telework during the self-isolation.
- The employee must inform their supervisor, CEO and chief judge, administrative authority, or designee prior to the household member's out-of-state travel.
- Please ensure the employee knows the Governor has issued a stay at home order.

Any judicial officer or employee who engages in out-of-state travel shall comply with the self-isolation requirements in the [Emergency Court Protocols](#).

44. How will I know if a state is considered a “lower-risk state” (i.e., a state that has a positive test rate lower than 80 per 1,000,000 residents, and a test positivity rate lower than 5%, over a seven-day rolling average)?

- State test rates are available at a number of websites, including <https://www.covidexitstrategy.org/>.
- For an updated list of restricted states, please visit the following NMDOH website <https://cv.nmhealth.org/travel-recommendations/>.

45. What is “Essential Medical Treatment”?

- **Essential medical treatment** includes:
 - Routine medical services in response to a complaint or condition identified by the employee or their health care provider,
 - Preventive care and screening services, and
 - Does not include elective treatment or procedures.
- Non-essential health care services, procedures, and surgeries include those which can be delayed for three months without undue risk to patient health.

46. Is there a specific form the court should use to submit employee travel notifications?

- There is not a specific form; however, it is recommended the court create and use a form for consistently and equitably evaluating travel.

47. Can individuals who engage in out-of-state travel enter a courthouse?

- Any person, other than a judicial officer or employee, who engages in or returns from out-of-state travel may enter a courthouse to appear **pursuant to a court order**, provided that the person successfully passes all other safety and public health screenings required by the court and otherwise comply with all other applicable directives from public health authorities.
- If not pursuant to a lawful court order, then the individual would be required to self-isolate as outlined in these FAQs.

BENEFITS

48. If my spouse or domestic partner is laid off and they were carrying the benefits can I enroll in benefits?

- Yes. Employees may enroll in medical, dental, vision, and prescription benefits outside of the open enrollment period when they have a qualifying event.

49. What is a qualifying event and how does it apply?

- A qualifying event may include a change in job status of a spouse/domestic partner including a reduction of hours or termination, which results in a loss of coverage, or ability to gain coverage from new employment, and includes any event resulting in a loss of medical benefits.
- Other qualifying events include:
 - Change in the job status of an employee including a reduction of hours due to FMLA, LWOP, and/or Disability.
 - Marriage or change in marital status, such as divorce or legal separation, resulting in a loss of coverage. This includes satisfying requirements for Domestic Partnership eligibility or termination of a Domestic Partnership.
 - Birth of a child, a court awarded adoption or legal guardianship.
 - An event resulting in a loss of coverage.
 - Loss of dependent status, dependent turning age 26.
 - Receiving a Qualified Medical Child Support Order (QMCSO).

- Any other circumstance where the individual had other coverage and loses it due to circumstances beyond their control must be evaluated by the Risk Management Division for eligibility.

50. How do I enroll in benefits due to a loss of coverage or Qualifying Event?

- The employee must contact ERISA and Human Resources within 31 days of the qualifying event.

51. When will my benefits be effective?

- The chart below explains the effective benefit date pursuant to the qualifying event:

<u>Qualifying Event</u>	<u>Effective Date</u>
Birth, adoption, legal guardianship, marriage, termination of domestic partnership	The date the event occurs
Domestic Partnership Affidavits	The date it is notarized
Divorce	The date the Final Decree is filed
Dependent losing coverage due to turning 26 years of age	Benefits will terminate at the end of the last day of the month in which the dependent turns 26
Change in job status (reduction of hours or termination)	The date following the event
Gain of other coverage	The date prior to new coverage effective date
Death of employee or dependent	The date reflected on the death certificate

COURT HOURS AND CONTINUITY OF COURT OPERATIONS

52. Why is the New Mexico Judiciary remaining open during the coronavirus (COVID-19) public health emergency?

- The Judiciary provides an essential service in our democracy and must remain open for business using coronavirus (COVID-19) safe practices to ensure courts are able to fulfill their Constitutional and civic duties to the public which we serve.
- Every person who works in the Judiciary has a duty to follow all safety and precautionary measures in order to protect the public, themselves, their co-workers, and their families.

53. Can a Chief Judge or CEO reduce the hours of operations or hours open to the public?

- No.
- All New Mexico state courts shall remain open and operating under regular business hours to ensure that the courts fulfill their constitutional and statutory responsibilities to all New Mexicans.
- Probate courts and municipal courts may close if the building in which a court operates by county or municipal authorities, or if the presiding judge in the court chooses to do so, provided that notice is posted at the closed courthouse with the locations and phone numbers of the nearest magistrate and district courts; and the public and the chief district judge in the judicial district is given advance notice of any such closure.
- See [Emergency Court Protocol No. 1, Precautionary Measures for Operating Courthouses and Other Judicial Buildings](#).

SOCIAL DISTANCING AND COURT VISITORS

54. What is the limit on the size of gatherings in the courthouse or judicial building?

- All gathering of individuals, including judges, court personnel, jurors, attorneys, litigants, the press, and the general public, in a single, connected location within a courthouse or other building must allow for appropriate social distancing as recommended by public health authorities.
- In any gathering, a minimum of six (6) feet in each direction must be maintained between every individual while entering, inside, and exiting the courthouse.

55. Can courts screen visitors before they enter the courthouse?

- Yes, it is required that all Courts screen anyone who wishes to enter a courthouse or other judicial branch building. Courts must screen visitors prior

to their entry into the court and deny access to any juror, witness, attorney, litigant, judicial officer, employee or another person who:

- is not wearing an **appropriate face covering or** mask,
- who has a temperature equal to or greater than 100.4 degrees, or who answers “yes” to any of the Supreme Court’s Emergency Response Team approved screening questions.

56. Do Courts need to maintain a log of who enters a courtroom?

- Yes. **Emergency Court Protocol No. 1, Precautionary Measures for Operating Courthouses and Other Judicial Buildings**, requires courts to maintain a log of who enters a courtroom.
- All Courts shall maintain a daily log of anyone, including employees entering a courtroom.
- The daily log shall include the name, telephone number, and date of entry for each person.
- The Court shall retain daily logs for four (4) weeks.

57. Do Courts need to maintain a log of who enters a courthouse?

- There is not a requirement to log anyone who enters a courthouse or other court facility; the current requirement is to log those who enter the courtroom.
- Judicial officer and employee daily COVID-19 screening logs or responses shall not be retained.

EMPLOYEE HEALTH SCREENING AND TAKING TEMPERATURE PRIOR TO ENTRY INTO THE COURT

58. What screening is required for someone to enter the courthouse or other building operated or occupied by the Judiciary? And, when should a court or judicial entity deny access?

- All courts shall screen any person wishing to enter a courthouse or Judiciary operated building.
- The screening process must include the opportunity to deny access to any person before they enter a courthouse or facility if that person including judicial officers, judicial employees, jurors, witnesses, attorneys, litigants, or any other visitor) who:
 - 1) is not wearing a face covering;
 - 2) has a temperature equal to or greater than 100.4 degrees Fahrenheit; or,
 - 3) answers “yes” to any of the required screening questions located on the **Coronavirus (COVID-19) webpage**.

59. Does the court conduct the temperature checks for people wishing to enter the court or judicial building?

- Yes. All courts shall require temperature checks for all persons using a thermometer on the forehead, including judicial officers and employees, seeking to enter the courthouse or other judicial buildings. The Court shall deny entry to anyone, including employees and judicial officers, who have a temperature of 100.4 degrees Fahrenheit or higher.
- **Anyone seeking to enter the courthouse must have their temperature taken before entry will be allowed.**
- Frequent disinfecting of the testing area and thermometer must occur.
- **Please be aware that some people with COVID-19 do not have a fever.**

60. Who should take the temperature?

- The administrative authority, chief judge, or designee may designate one or more employees to conduct the screening and temperature taking.
- The individuals should be trained on the appropriate protocols and providing the required screening questions, and the training documented.
- Temperatures should be taken on the forehead, **and not on the wrist or the neck.**
- If the reading is too low, too high, or reflects a fever the reading should be taken three (3) times. If the reading still appears to be an error, the employee taking the temperature should call a manager and have the employee getting their temperature taken step out of line maintaining a social distance of a minimum of six (6) feet.

61. What if the employee designated to conduct screening or take temperatures refuses to perform these duties? Are those employees eligible for hazard pay?

- The administrative authority, chief judge, or designee may designate an employee as one of the judicial entity's screeners and/or temperature taker.
- Management should address appropriately address any employee's refusal to perform an assigned job task or responsibility.
- The Judiciary is not paying any type of hazard pay.

62. What personal protective equipment should the employee taking the temperatures use?

- The employee must wear a mask or face covering that covers the nose and mouth.

- Employees taking temperatures may elect to wear a face shield and or protective eyewear in addition to a mask or face covering, but face shields and protective eyewear are not a substitute for a mask or face coverings.

63. What Equipment Should Be Used?

- A scanner or thermometer that does not require direct contact.
- If you are unable to obtain a thermometer that does not require direct contact, you may use a forehead thermometer and sanitize the instrument between uses.

64. What If the Employee's Temperature Tests Positive?

- Discreetly notify the employee that he or she has a fever, do not allow him or her to enter the court, and notify your chief judge, administrative authority or designee and Human Resources.
- Unless otherwise directed by the chief judge, administrative authority or designee, the employee shall immediately begin self-isolation procedures, engage in a fourteen (14) day period of self-isolation from the date the symptoms began.
- The employee may be required to obtain a test for COVID-19 and disclose the results to the chief judge, administrative authority or designee.
- **The coronavirus (COVID-19 test) must be taken by an approved DOH testing site, using appropriate and approved DOH tests.**
- The employee shall be permitted to work from home to the extent their work can be performed remotely with the permission of the chief judge, administrative authority or designee.
- Follow the ERT Coronavirus (COVID-19) Potential or Confirmed Case - Initial Report Checklist.
- Determine who in the Court the employee may have had close contact with and proceed with interviewing those employees.
- Clean areas within the court the employee may have been in while symptomatic.

65. Is the time the employee waits to be tested work-time?

- Yes. Time waiting to be screened, and the time spent being screened is work time for the purposes of overtime and FLSA.

66. Can I refuse to have my temperature taken?

- No.

- By order of the Supreme Court, no one, including employees or judicial officers may enter a courthouse or facility without passing all required screening questions and a temperature check.
- If you refuse to answer the screening questions or submit to the temperature check entry will be denied, and you may be subject to disciplinary action.

EMPLOYEE GENERAL QUESTIONS & GENERAL INFORMATION

67. Can I refuse to come to work because of fear of infection?

- If you believe that you are in imminent danger by coming into the workplace (i.e., the concern of immediate or imminent danger and serious physical harm that will occur within a short time), please contact your chief judge, administrative authority, or designee, and Human Resources for guidance. The Judiciary is working to provide a safe environment for judicial officers and employees and following the guidance of public health experts.

68. Can I refuse to work in a public-facing position due to the risk of infection?

- Provided the screening questions and temperature checks are conducted as required, and all individuals maintain the appropriate social distancing of a minimum of six (6) feet, wear masks at all times, sanitize and disinfect frequently touched services and items and follow the requirements from NMDOH, NMHSD, and the state's epidemiologist there should not be a concern of transmission.
- If you believe the required safety protocols are not being followed, please contact your administrative authority, chief judge, or designee, Human Resources, or the Supreme Court's ERT immediately.

69. What is a novel coronavirus?

- A novel coronavirus is a new coronavirus that has not been previously identified. The virus causing coronavirus disease 2019 (COVID-19), is not the same as the **coronaviruses that commonly circulate among humans** and cause mild illness, like the common cold.
- More information about the novel coronavirus can be found online at the Centers for Disease Control, NMDOH, and NMHSD websites.

70. What are the symptoms of COVID-19?

- The novel coronavirus continues to be studied by scientists, and the most up-to-date information can be found at the [CDC Website](#).
- The virus symptoms manifest as a mild to severe respiratory illness with fever, dry cough, and difficulty breathing.
- Additional symptoms may include shortness of breath, fatigue, muscle or body aches, headaches, nausea or vomiting, diarrhea, chills, sore throat, or loss of a sense of taste or smell.
- Because of the developing information in the context of the pandemic, employees who feel ill should not come to the workplace and are encouraged to seek medical care.

71. How is the current coronavirus (COVID-19) transmitted?

- The most up-to-date information on transmission can be found at the [CDC website](#).
- Because of the developing nature in the context of the pandemic, employees must wear masks, maintain physical distancing of a minimum of 6 feet from other people, wash their hands frequently for at least 20 seconds using soap and water, and sanitize and disinfect frequently touches surfaces and objects.

72. What steps can we take now to minimize the risk of transmission?

- The CDC has issued preventive tips and safety measures employees can take for themselves, their families, and the workplace. These preventative measures can be found [here](#).
- a mask or face covering all times and maintaining social distancing guidelines are effective in preventing transmission.
- Regularly washing your hands often with soap and water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Cough or sneeze with a tissue, then throw the tissue in the trash. If you don't have a tissue, cough or sneeze into the crook of your elbow.
- Clean and disinfect frequently touched objects and surfaces.

73. Can the virus spread from contact with infected surfaces or objects?

- Yes, it is possible that a person can become infected by touching a surface or object that has the virus on it if a person touches an object and then touches

their own mouth, nose, and their eyes. This is why it is important that you wear a mask, wash/sanitize your hands and follow all safety protocols.

74. Who is at risk of severe illness resulting from coronavirus (COVID-19) disease?

- Individuals at a higher risk for severe illness include:
 - People over age 65, as well as those who have severe chronic medical conditions such as heart, lung or kidney disease.
- Those at risk for severe illness as a result of contracting coronavirus should strictly follow all the precautions outlined by the CDC, NMDOH, and NMHSD:
 - Stay at home as much as possible
 - Make sure you have access to several weeks of medications, groceries and supplies in case you need to stay home for prolonged periods of time.
 - When you go out in public, keep away from others who are sick, limit close contact, ensure social distancing of a minimum of six (6) feet, wash your hands often, and wear a face covering.
 - Avoid gatherings.
 - For non-health related COVID-19 questions call 1-833-551-0518
 - For health concerns related to COVID-19 call 1-855-600-3453
- For more information, consult the [CDC Website](#)