



LOPD CORONAVIRUS RESPONSE PLAN

LOPD is taking proactive steps to protect the employees and clients while ensuring we meet our statutory and constitutional obligations to clients in light of the coronavirus outbreak. This plan is subject to change in response to the evolving situation. We will continue to update this plan.

Preventing the Spread of the Coronavirus

District defenders, office managers, and the deputy chief for administrative services division will work with the owners and property managers of district offices, Department of Health, General Services Department, and Department of Finance, to ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, break rooms, conference rooms, door handles and railings. These individuals will also work to obtain available supplies to provide to district offices.

We ask all employees to take steps to reduce the transmission of coronavirus per CDC recommendations [here](#).

Leave and Attendance

The department expects employees to self-monitor for signs and symptoms of the coronavirus. Employees who suspect possible exposure, are sick or experiencing symptoms of coronavirus, must immediately inform the Department of Health, their immediate supervisor, and LOPD-HR. If you feel like you are at high risk for this infection or have been exposed, please contact your supervisor immediately. The state Department of Health coronavirus hotline is (855)-600-3453.

Leave

During this coronavirus outbreak, it is critical that employees do not report to work while they are experiencing the following symptoms: fever, cough and shortness of breath.

When an employee is ordered by the New Mexico Department of Health (DOH) or the Centers for Disease Control (CDC) to mandatory isolation related to the coronavirus, the employee would be eligible to use their accrued sick leave, compensatory time, annual leave if sick leave has been exhausted, or leave without pay, if all leave has been exhausted for work time missed while on an ordered isolation period, regardless of whether the employee has tested positive for coronavirus. However, if an employee is not ill and is not ordered to remain in isolation by DOH or CDC, or any other health care practitioner, an employee is eligible to use sick leave, but may use annual leave, compensatory leave or leave without pay, subject to the approval of the agency. At this time, additional administrative leave has not been authorized. Employer obligations under the federal FMLA continue. LOPD does support employees seeking medical assistance for themselves and their families including the approval of FMLA for eligible employees, when appropriate. Sick leave is also authorized for an employee who needs to care for a child when their school or day care has closed in response to

coronavirus. If schools and/or day care centers are closed in response to coronavirus, employees will not be allowed to bring their children to work.

Staying Home and Sending Employees Home

As always, if an employee is exhibiting observable symptoms of the coronavirus, managers and supervisors have the authority and obligation to require the employee to leave the workplace. Where practicable, the manager or supervisor should first consult with the district defender, before sending a sick employee home. Symptoms of coronavirus include fever, cough, or shortness of breath.

If the district defender determines that the nature of an employee's work responsibilities can be accomplished away from the assigned workplace and if any necessary technological/equipment needs can be satisfied, LOPD may permit and encourage employees to telework as a way to reduce in-person contacts between employees at the regular work location.

Returning to Work

Employees should remain in contact with their manager or supervisor on a daily basis and return to work once they are no longer symptomatic and no longer at risk of potentially spreading the virus. LOPD reserves the right to require a medical assessment or medical certification for an employee to return to work. Employees on coronavirus related leave are required to communicate with DOH regarding return to work.

If an employee is not experiencing symptoms of coronavirus and if the employee has not been asked to self-isolate by either DOH or the CDC, LOPD may require an employee to work from home to ensure critical functions are met.

Telecommuting

Telework requests will be reviewed on a case-by-case basis by the district defender and deputy chief. While not all positions will be eligible, employees may submit requests for temporary telecommuting to your manager or supervisor for consideration.

District defenders shall complete an individualized assessment of the essential functions of each office. District defenders will determine critical functions and the required positions to perform those functions. They will develop a plan to cross train to ensure the office is not reliant on one or limited employees to perform critical functions. District defenders will also work on a plan to consolidate critical tasks and identify tasks that can be performed remotely and assess available equipment and resources. The plan must be submitted to the deputy chief.

Confidentiality of Medical Information

LOPD treats any medical information as confidential. In furtherance of this policy, any disclosure of medical information is in limited circumstances with managers, supervisors, Human Resources, first aid and safety personnel, and government officials as required by law.

Travel Restrictions

LOPD has canceled all out-of-state work travel for LOPD employees and suspending all DD/MA

trainings as well as all meetings scheduled through April 10, 2020. We are discouraging in-state travel to visit offices, attend court settings, trainings or other meetings. Please use alternative options such as Zoom, phone, email, and telephonic appearances for attorneys that must travel for court hearings. We urge employees to limit in-person visits with clients in-custody. We do not want to expose employees or our clients to potential infection. Please discuss with your direct supervisor and the deputy chief if you have unavoidable travel through April 10, 2020.

Employees should avoid crowded public events and employees should adhere to state health and travel restrictions.

Employees returning from personal travel either out of the state or out of the country are required to contact your direct manager or supervisor prior to returning to work. The manager or supervisor must contact the deputy chief and LOPD-HR prior to the employee returning to work. The manager or supervisor may request that the employee not return to work under this plan for 14 days. If an employee travels to a high risk area, they should not return to work and self-quarantine for 14 days.

Pursuant to the DOH recommendations, anyone that has travelled to a high risk area since February 28, 2020, if you have travelled to the locations according to the most recent DOH recommendations found [here](#).

Efforts to Reduce In-Person Contact and Social Distancing Guidelines

Due to the coronavirus outbreak, LOPD is implementing these social distancing guidelines to minimize the spread of the disease among employees and clients.

During the workday, employees are requested to:

1. Avoid meeting people face-to-face. Employees are encouraged to use the phone, online conferencing, email or instant messaging to conduct business as much as possible, even when participants are in the same building.
2. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room and sit at least six feet from each other if possible; avoid person-to-person contact such as shaking hands.
3. Employees should consider whether work can be done by phone. All work that can be done by phone, should be.
4. Effective immediately, LOPD will close our doors to the public and conduct all client services by phone, Zoom, or email. Office managers are instructed to place the attached sign on public entrances informing the public that we will be conducting all business by phone, Zoom, or email. The notice includes the district offices contact information, including phone number, email address, and our website. Walk-ins are permitted for clients that do not have phone service or have traveled long distances to qualify or meet with their attorney. Efforts should be made to limit physical contact. Please refer to the CDC for guidance on limiting in-person contact [here](#).
5. District defenders and office managers will send this notice to their local criminal justice partners including: the court, district attorney, jail, probation and parole, pretrial services, law enforcement,

etc. and request these partners post the LOPD notice as well.

6. Eligibility Screening: Please err on the side of qualifying applicants during this time. If someone is applying in person, and they do not have documentation, please obtain the applicants name, case number, and contact information (address, phone, and email address) and deem them qualified in defenderData. Please add a note in defenderData, “qualification due to coronavirus closure.” Notify them they will need to provide documentation and the application fee at a later time, and ask them to check our website or call for updated information on when we open again. If you have questions about a specific eligibility issue, please contact your district defender or office manager. Eligibility qualification should be conducted by phone or by email and documentation may be provided by email or fax. Please refer to the eligibility memo that was emailed out on March 4, 2020 for additional direction.
7. We urge employees to limit in-person visits with clients in-custody. We do not want to expose employees or our clients to potential infection.
8. We encourage you to evaluate your clients circumstances to determine when it is appropriate and may be helpful to file any of the following motions: motions to review conditions of release, motions to waive client or attorney appearance at a hearing, and motions for client or attorney to appear telephonically.
9. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
10. Do not congregate in work rooms, break rooms, copier rooms or other areas where people socialize.
11. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).
12. Please submit orders via phone and e-mail in order to minimize person-to-person contact and limit contact during delivery of goods.

Outside activities

Employees are encouraged to:

1. Avoid public events and transportation (walk, cycle, drive a car) or go early or late to avoid rush-hour crowding on public transportation.
2. Avoid recreational or other leisure classes, meetings, activities, events etc., where employees might come into contact with contagious people.

Closure

If LOPD determines that it is necessary to temporarily restrict or suspend services, employees who are well and able to telecommute should do so in accordance with this plan and with the approval of district defender and deputy chief. All other employees shall follow well established office closure procedures.