



LOPD RESTORING SERVICES TO CLIENTS AND REOPENING PLAN 3.1 – ONGOING CORONAVIRUS RESPONSE

3.1 Additions and changes are highlighted in blue in this document.

2.1 Additions and changes are highlighted in green in this document.

The overall purpose and approach to the plan is restoring full client services. LOPD is restoring client services by supporting the full reopening of offices and services while also exploring a long-term telework policy. This allows more employees and visitors back into offices in accordance with the evolving orders and directives from the Governor and state and local officials.

LOPD is focused on protecting 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 national and local mandates and recommendations. We will continue to update this plan. Throughout this plan are links to provide you quick reference to additional resources and information related to COVID-19.

As New Mexico looks toward reopening, LOPD will follow suit to expand services to clients. The focus continues to be on mitigating the spread of COVID-19. **As courts resume jury trials starting February 2021, district defenders and division managers are instructed to assess operational needs and ensure staffing supports the resumption of in-person trials.**

Full Reopening

Assess operational needs and safety of employees by evaluating the number of employees in office to fully reopen offices. Employees must work with supervisors on scheduling, telework, and overall workflow in order to meet operational needs. Employees eligible to telework must work directly with their supervisor to update and adhere to their telework agreement. **Employees and managers are also required to submit an updated agreement (link to PDF), if the agreement has not been updated.** All employees must work directly with their supervisor on scheduling to ensure LOPD is compliant with any updated orders from the Governor.

Provide services to clients by allowing visitors in office, including accepting eligibility applications, client meetings, evaluations, etc., but keep occupancy within the applicable health orders and to allow employees and visitors to practice social distancing. All employees and visitors should practice social distancing within the applicable health orders.

***EXCEPTIONS TO THIS PLAN:** All offices must follow any local orders. Some counties may require more stringent restrictions than in this LOPD plan. Specifically, pursuant to the NMDOH and Governor's order, some counties and offices may fall under different orders and shall continue to comply with the Governor's and local orders. District defenders shall discuss specific needs of their offices with the LOPD administration when appropriate.

I. Workplace Safety is the Priority: Preventing the Spread of the Coronavirus Through On-Site Requirements

All employees are required to take steps to reduce the transmission of coronavirus per [CDC recommendations](#). Pursuant to the NM Department of Health's most recent recommendations "[All Together New Mexico: COVID-Safe Practices for Individuals and Employers on COVID Safety Practices \(CSPs\) for Individuals and all Employers](#)" (updated May 7, 2021) and the NM Department of Health's (DOH) [Policies for the Prevention and Control of COVID-19 in New Mexico](#). LOPD employees are required to comply with the following safety practices and should also refer to the [Chief Public Defender Safe Workplace Directive](#).

In addition, employees must comply with the LOPD safety practices, which is a minimum standard, and shall also follow more restrictive policies issued by local courts, jails, counties and other criminal justice partners.

- 1) Employees with an approved telework agreement that meets operational needs may continue to telework. If there have been substantial changes to the telework agreement since the original approval, or if an employee has not filled one out since March 2020, then managers must obtain, review an updated telework agreement, and email the approved agreement to [LOPD-HR](#). ([link to PDF](#))
- 2) District defenders and division managers must decide which employees should work in office or will be eligible for telework. The assessment should be based on the following:
 - a. District defenders and division managers shall assess the operational needs of the office and each employee's duties or responsibilities that are an essential job function and that require in-office work, including serving clients/visitors in office, in-person court appearances or work at the jail.
- 3) Social Distancing Requirements
 - a. Social distance while working, which includes remaining 6 feet apart, and arrange workspace to provide for 6 feet of distance between individuals, or barriers including cubicles or plexiglass guards.
 - b. Social distancing will be observed in all common areas in offices, specifically lunchrooms and conference rooms. Do not congregate in workrooms, break rooms, copier rooms or other areas where people socialize. If you bring your lunch, please eat at your desk or away from others and avoid lunchrooms. Physically distance when taking breaks. Stagger breaks and do not congregate in the break room, and do not share food or utensils.
 - c. Employees should practice social distancing while traveling in elevators.
 - d. CDC video on social distancing is located [HERE](#).
- 4) All LOPD employees and visitors, in any LOPD office, must wear a face covering, specifically while in public areas or common spaces, while walking around and exposed to other people. Face coverings will not be required when an employee is alone in their individual workspace and no other employees or individuals are present, or when the employee is eating or drinking. A request for exception to this requirement, based on advice by a health care provider, must be submitted to a direct supervisor and [LOPD-HR](#).

- Employees must wear face coverings when visiting jails or prisons.
- In addition, employees must comply with the LOPD safety practices, which is a minimum standard, and shall also follow more restrictive policies regarding face coverings issued by local courts, counties and other criminal justice partners.

CDC recommendations regarding [how to wear a face covering](#) to slow the spread of COVID-19:

- Face coverings should: fit snugly, be secured to ears, allow for breathing, be laundered and machine dried,
- Reusable masks should be routinely washed,
- When removing – be careful not to touch eyes, nose, and mouth. Wash hands immediately after removing.
- **Cloth or disposable masks are permitted.**
- Video on COVID-19 Mask Do's and Don'ts is located [HERE](#).

5) Hygiene

- a. Wash hands frequently.
 - a. Please view [this video](#) on how to wash your hands properly and this [video on using hand sanitizer to clean your hands](#).
 - b. [CDC recommends washing hands](#): after blowing one's nose, coughing, or sneezing; before, during, and after preparing food; after using the toilet; after touching garbage; before and after the work shift; before and after work breaks; after touching objects that have been handled by customers.
- b. Avoid touching eyes, nose, and/or mouth with unwashed hands.
- c. Avoid sharing headsets, phones, or other items that are used near mouth or nose.
- d. Avoid sharing co-workers phones, desks, offices, or other work equipment, when possible.

6) Limit in person meetings and the number of people in a gathering, pursuant to the NMDOH and Governor's order. Use of Zoom or phone is **still** the preferred method for holding meetings and trainings **at this time**.

- 7) During the workday, **it is recommended that** employees:
- a. Consider whether work can be done by phone, Zoom, email or instant messages. Work that can be done using any of the above means should be.
 - b. Employees should limit face-to-face meetings and should use the phone, Zoom, email or instant messaging to conduct business as much as possible.
 - c. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room and sit at least 6 feet from each other.

8) Employees should limit work-related travel within state. Please use alternative options such as phone, email, video appearances, and telephonic appearances for appearances for court hearings rather than traveling to in-person hearings.

9) Work-related out of state travel is prohibited.

10) Any employee who travels out of state must follow any Governor's order or NMDOH recommendations regarding quarantine. The February 2021 order is located [HERE](#). Vaccinated employees are encouraged to familiarize themselves with the "Interim Public Health Recommendations for Fully Vaccinated People" located [HERE](#) and "Choosing Safer Activities

Chart” located [HERE](#) and the NMDOH [Policies For Prevention And Control of COVID-19 In New Mexico](#). Specifically, fully vaccinated people:

- May visit with unvaccinated people from a single household who are at low risk for severe COVID-19 disease indoors without wearing masks or physical distancing.
- No longer are required to quarantine and testing following a known exposure, *if asymptomatic*.

For now, fully vaccinated people should continue to:

- Take precautions in public like wearing a well-fitted mask and physical distancing.
- Wear masks, practice physical distancing, and adhere to other prevention measures when visiting with unvaccinated people who are at [increased risk for severe COVID-19](#) disease or who have an unvaccinated household member who is at increased risk for severe COVID-19 disease.
- Wear masks, maintain physical distance, and practice other prevention measures when visiting with unvaccinated people from multiple households.
- Get tested if experiencing [COVID-19 symptoms](#).
- Follow guidance issued by individual employers.
- Follow CDC and health department travel requirements and recommendations.

Please check the CDC website [HERE](#) for updates to these recommendations.

- 11) LOPD employees are encouraged to use digital files rather than paper formats, when possible.
- 12) Cleaning Offices and Office Space
 - a. Cleaning staff in local offices will continue to clean and dispose of waste. However, frequent disinfection of surfaces and objects touched by multiple people is important.
 - b. Office managers and district defenders are encouraged to create a daily cleaning schedule for staff to assist with LOPD staying in compliance with using a recommended product from the [EPA list of disinfectants](#) approved for use against the virus that causes COVID-19. The cleaning schedule must include a rotation that distributes the responsibilities as equitably as possible among all employees working on site for cleaning commonly touched areas and objects at least twice a day.
 - c. High touch areas and items used at a higher frequency may require more frequent cleaning when there is increased employee or visitor traffic.
 - d. Employees should clean areas touched by visitors once the visitor leaves.
 - e. Employees must wipe down commonly touched areas, including door handles, keypads, copy machines, or any shared electronic or other shared equipment.
 - f. Employees working on-site shall maintain and share the responsibility of daily cleaning for all surfaces in which there is physical contact – i.e., lunchroom spaces, stairway handles, light switches, elevator switches and buttons, etc. Additionally, employees shall maintain a clean and sanitary workspace.
- 13) Offices shall provide hand sanitizer at reception desks and client service areas, as well as display required LOPD signage on social distancing, face coverings, hygiene, etc.
- 14) LOPD administration has worked to provide necessary personal protective equipment (PPE).

Washable face coverings have been issued for every LOPD employee. Office managers have been working closely with fiscal to order other necessary PPE and equipment to protect you and our clients.

- 15) LOPD has ordered face shields for attorneys and staff that have close contact with clients away from their desk – for court settings, other meetings outside office, etc. Office managers have also ordered disposable face masks for clients and LOPD visitors and additional cleaning supplies so that employees have needed sanitizer and other hygiene support needed to clean your office space and common areas. Please report any PPE or cleaning supply needs to your office manager and district defender. Thermometers have been provided for each office/division/unit. The thermometers are provided so that if there is an employee that starts to feel feverish or ill while in-office, there is the ability to check their temperature. Offices are encouraged to maintain at least a two week supply of PPE (disposable masks, gloves, tissues), and cleaning supplies, etc. based on the average usage rate in the office.

As required by the Governor’s [“All Together New Mexico: COVID-Safe Practices for Individuals and Employers,”](#) it is mandatory that **all employees submit the “LOPD Employee COVID-19 Health Screening and Disclosure Agreement Form”** by email to [LOPD-HR](#). New hires are required to submit a completed form **within their first week of employment**. The screening form requires that you self-screen daily **prior** to your arrival at an LOPD office, court, jail, or criminal justice partner office. The agreement is for you to self-screen and ask yourself the questions listed below **daily**. If you answer yes to any of the questions, then you must stay home and immediately notify your direct supervisor. You must immediately submit a request to take leave or telework.

The screening form asks if you are exhibiting any of the following symptoms:

- 1) A fever (a temperature 100.4 degree Fahrenheit or above), or
- 2) Any signs of respiratory illness, including a cough or shortness of breath, or
- 3) Chills/repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, or
- 4) Any close contact to a person who is lab-confirmed to have COVID-19.

Any employee experiencing any of the above symptoms or who has had exposure to COVID-19 must stay at home, discuss with their supervisor and call the NMDOH 1-855-600-3453. If an employee has known close contact with a person who has tested positive with COVID-19 or experiences any of the symptoms above, they must follow the latest CDC and NMDOH recommendations.

II. Restoring Client Services and Full Reopening to Clients and Visitors

LOPD is open to clients and visitors. Offices must continue to limit in-person contact by attempting to conduct as much business by phone, Zoom or email. Please refer to the CDC for guidance on limiting in-person contact [here](#).

1) Visitor contact protocols

- a. All visitors are required to wear face coverings. If a visitor does not have a face covering, then a single use disposable face covering will be provided by the local office. If a visitor declines to wear a face covering due to a medical or other issue, please obtain approval from a district defender, managing attorney or office manager prior to the individual being

- permitted into the office space.
 - b. The number of individuals permitted into office reception areas will be limited to promote social distancing and provide for 6-feet of distance between individuals wherever possible. This may require the reception or other workspaces to be reorganized and chairs removed or spaced to allow for 6 feet of social distancing. Each office is encouraged to create a plan to communicate with clients waiting outside offices to be seen.
 - c. The reception area occupancy and 6-foot rule may require clients/visitors to wait outside or in their cars.
 - d. For more detailed information on the required cleaning schedules and recommendations, please see section I, #12, [b above](#).
- 2) Each office is required to retain a daily visitor log, which requires collecting the visitors first and last name, phone number, email address (if applicable). The following are templates of the “LOPD Daily visitor log” and have been provided in [WORD](#) and [EXCEL](#). Receptionists or staff checking in visitors must: 1) add information for every visitor to the log, save electronically and 2) share the log with their supervisor weekly.
 - 3) Every client and visitor entering an LOPD office will be screened and responses will be collected and reported on the daily visitor log. **Each visitor must be asked the following 4 questions:**
 - a. Do you feel like you have a fever?
 - b. Do you have any signs of respiratory illness, including a cough or shortness of breath?
 - c. Do you have any of the following symptoms: chills/repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell?
 - d. Have you had close contact with a person who is lab-confirmed to have COVID-19?
 - 4) If the client or visitor answers yes to any of the questions, they will be asked to leave, but they should be provided contact information (phone or email) for the LOPD employee they were attempting to meet.
 - 5) No handshakes or other contact greetings should be used and remain 6 feet apart.
 - 6) LOPD employees should meet with clients or other visitors alone and clients/visitors should not be accompanied by family or friends. Limited exceptions may be granted by the district defender, managing attorney or office manager on a case-by-case basis.
 - 7) Protect vulnerable populations by finding ways to communicate without face-to-face contact.
 - 8) **Transports from jails or prisons is permitted, with the approval of the district defender or managing attorney.**
 - 9) Effective June 8, 2020, evaluations, polygraphs, etc. of out of custody clients by experts in an LOPD office is permitted, with the approval of the district defender and deputy chief, and offices should be comply with social distancing requirements and, necessary PPE, and be aware of the number of people in-office.
 - 10) **Attorneys must continue to determine if they have cases with experts traveling from outside New Mexico. Attorneys must communicate with that expert about the NMDOH and their home state’s orders and recommendations regarding a quarantine upon return to their home state. Attorneys**

should file appropriate motions or request a continuance as appropriate.

11) LOPD employees are permitted to conduct in-person visits with clients in custody, with the permission of the District Defender. LOPD District Defenders are required to work with their local jails and prisons to confirm that there are practices in place to allow for social distancing and the wearing of face masks, and to limit close contact with those working or housed in the facility. We do not want to expose employees or our clients to potential infection.

12) Notices:

- a. Office managers should verify that existing signage, to office voice messages and website are updated to notify visitors of the status of office operations. In addition, office managers will print and post CDC signage for internal and external posting in all offices. This signage will be provided directly to them.
- b. District defenders and office managers communicate updates on LOPDs client services to local criminal justice partners including: courts, district attorney, jail, probation and parole, pretrial services, law enforcement, etc.

13) Eligibility Screening:

- a. Please err on the side of qualifying applicants during this time. If an applicant does not have required 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." Notify them they will need to provide documentation and application fee at a later time. Please follow procedures for collecting application fees that were in place prior to COVID. If you have questions about a specific eligibility issue, please contact your district defender or office manager.
- b. Eligibility qualification may be conducted by phone or by email and documentation may be provided by email or fax. Please refer to the updated FY21 eligibility memo emailed February 25, 2021 for additional direction (located [HERE](#)).
- c. Employees handling items used by clients or visitors must properly wash their hands, use hand sanitizer or change gloves **before** working with another client or visitor (e.g. pens, paperwork, files, cash, etc.)

14) Employees are not allowed to bring their children to work. Please refer to the [LOPD Visitor Policy](#).

III. Other Items

1) Leave and Attendance

Employees needing to stay home on leave must request approval from their supervisor to take sick, annual, or other accrued leave. LOPD does support employees seeking medical assistance for themselves and their families including the approval of FMLA for eligible employees, when appropriate. As this is an ongoing, changing situation, employees are still eligible and will still have access to accrued sick and annual leave. All employees approved to telework, must remain available for immediate recall to the office during regular working hours to fulfill critical functions. Employees must also remain available during regular working hours for immediate recall upon reinstatement of normal operations.

Any employee who will not be available to complete tasks as assigned must utilize leave in accordance with LOPD policy.

2) Other Recommendations

Employees are encouraged to stay informed on the most updated safety practices. Some resources are located at: [CDC workplace, school and home guidance](#), [CDC - schools workplaces & community locations](#), [NMDOH FAQs](#), and [NM executive orders and public health orders](#). Employees should avoid crowded public events and employees should adhere to [state health and travel restrictions](#).

3) Links to Other Resources

[CDC – Coronavirus \(COVID-19\) Self-checker](#)

[CDC - Precautions for People at Higher Risk](#)

[Policies for Prevention And Control of COVID-19 In New Mexico.](#)

[NMDOH Public Health Information](#)

[CDC – Keeping Children Healthy During COVID-19](#)

[CDC “COVID-19 Parents Supporting Children” Video](#)

[CDC – If You Are Sick or Caring for Someone](#)

[NM Crisis](#) and Access Line [\(1-855-NMCRISIS \(662-7474\)\)](#) - 24 hours a day, 7 days a week, 365 days a year.

4) Office Closure Direction

If LOPD determines that it is necessary to temporarily restrict or suspend services by closing a district office, then employees who are approved to telework should do so in accordance with this plan. All other employees shall follow well-established office closure procedures. If an office is closed, the employees stationed in that office will be notified by email.

5) Updates

This plan remains in place until further notice. LOPD will continuously monitor and adapt to the evolving coronavirus orders and recommendations from the Governor, the NMDOH, and the CDC.

Please note, paid administrative leave for COVID-19 related reasons ended on March 31, 2021. All employees must request and obtain approval to use accrued sick leave or annual leave to cover any absences from work.

Employees who test positive for COVID-19 and do not have sufficient leave balances to cover their absence **may** be eligible for Leave Donations. All requests to solicit leave donations must be submitted to the immediate supervisor and LOPD-HR. HR will determine and inform employees if the request is approved or disapproved.