



LOPD RESTORING SERVICES TO CLIENTS AND REOPENING PLAN 1.1 – ONGOING CORONAVIRUS RESPONSE

The overall purpose and approach to the plan is to restore client services. This is all dependent on restoring client services and the employee's essential job functions. LOPD is not completely reopening, but gradually restoring client services by allowing approximately 33% of employees back into offices.

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 to provide services, LOPD will follow suit to expand services to clients. The focus continues to be on mitigating the spread of COVID-19. LOPD administration directs district defenders, managing attorneys, and division managers to work with office managers and employees to limit in-person contact by allowing employees to work from home when approved, pursuant to the guidance in this plan. **District defenders and division managers are instructed to create and implement a plan to expand services to clients beginning Monday, June 8, 2020.**

Phases of Reopening

Phase 1: Monday, June 1, 2020

Shift from skeleton crews to approximately 33% of employees in office to restore services to clients. Social distancing administrative leave is no longer available after May 29, 2020. If employees are able to telework to provide services to clients, they are encouraged to do so to limit the number of employees in office. Employees must work directly with their supervisor to follow their telework agreement. Those working in office must work directly with their supervisor on scheduling to ensure LOPD is compliant with the Governor's order.

Phase 2: Monday, June 8, 2020

Further restore services to clients by allowing visitors in office, including client meetings, evaluations, etc., while still complying with the Governor's order to limit the number of employees and visitors in office. All employees and visitors must practice social distancing.

***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, McKinley and San Juan Counties, which includes the LOPD Gallup and Aztec offices, fall under different orders and will continue to comply with the Governor's and local orders and discuss moving to the reopening phase 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](#)" and the NM Department of Health's (DOH) [May 27, 2020 public health order](#), 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 should continue to telework, which limits the number of employees in an office. If there have been substantial changes to the telework agreement since the original approval, then managers should obtain, review an updated telework agreement, and email the approved agreement to [LOPD-HR](#).
- 2) District defenders and division managers should decide which employees should return to work before determining whether staggered schedules are necessary. The assessment should be based on the following:
 - a. Employees out on social distancing leave and unable to telework due to their essential job functions and offices operating with skeleton crews should return to work. **Social distancing leave will no longer be available after Friday, May 29, 2020.**
 - b. Next, district defenders and division managers should assess 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.
 - c. District defenders, managing attorneys, and division managers must work with office managers to limit the number of employees in office to approximately 33% of allotted full time employees (FTE). Office leaders should identify any increased measures to protect employees working in office, including more isolated workstations, staggering schedules for those sharing office space, and needed equipment or PPE, etc.
 - d. Division managers, district defenders, and managing attorneys must work with office managers to consider whether job functions allow for flexible work schedules when possible, to lessen the number of employees in office during normal business hours, including allowing employees to work when the office is traditionally less crowded.
 - e. The following chart provides the breakdown of approximately 33% and approximately 50% FTE by office and division/unit.

Office/Division/Unit	FTE	≈ 33% FTE	≈ 50% FTE
Alamogordo	17	6	9
Albuquerque CCLS	9	3	5
Aztec	26	9	13
Carlsbad	12	4	6
Clovis/Portales	20	7	10
Gallup	13	4	7
Hobbs	16	5	8
Las Cruces	39	13	20
Roswell	18	6	9
Ruidoso	9	3	5
SF Appellate	16	5	8
SF Total	49	18	28
Fiscal	9	3	5
HR	8	3	4
Admin	3	1	2
SF trial	29	10	15
Taos	7	2	4
ABQ Total	195	64	98
ABQ Admin	5	2	3
ABQ Appellate	5	2	3
ABQ Eligibility & Reception	5	2	3
ABQ Felony	81	27	41
ABQ Investigators	9	3	5
ABQ Juvenile	7	2	4
ABQ Metro	51	17	26
Habeas	5	2	3
IT	7	2	4
MCDU	9	3	5
SW	11	4	6

Above FTE are calculated using total allocated and stationed in each office.

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. Avoid lunchrooms and crowded restaurants. 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 avoid traveling in elevators. If it is necessary or essential to ride an elevator, then practice proper social distancing.
- d. Consider creating one-way traffic patterns within the workspace.

- 4) Pursuant to the [Governor's and NMDOH's order](#), all LOPD employees, 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.
- “A recent study found that if 80% of us adopt a simple homemade face mask, we could reduce deaths from COVID-19 by 17-45% over two months... All of us wearing masks could save thousands of lives,” Dr. David Scrase, Secretary of the NM Human Services Department.

CDC recommendations of [how to wear a cloth 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,
- Should be routinely washed,
- When removing – be careful not to touch eyes, nose, and mouth. Wash hands immediately after removing.

You may submit an email request for a mask to NMDOH by using this link: [Request a Mask](#).

- 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 the preferred method for holding meetings and trainings.
- 7) During the workday, employees are requested to:
 - a. Consider whether work can be done by phone, Zoom, email or instant messages. **All work that can be done using any of the above means should be.**
 - b. Avoid meeting people face-to-face. Employees should use the phone, Zoom, email or instant messaging to conduct business as much as possible, even when participants are in the same building.
 - 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 must limit work-related travel within state to only unavoidable travel. The employee must obtain approval from the direct supervisor and the deputy chief in advance of travel. 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) Personal travel out of the state is strongly discouraged. If an employee has essential personal travel out of state, they must notify their supervisor and [LOPD-HR](#). Any employee who travels out of state must follow any Governor's order or NMDOH recommendations regarding an appropriate quarantine.
- 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 products](#) 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). Two 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. For example, we have ordered plexiglass guards for employees who have close frequent and constant contact with clients in office.





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 ordered 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](#) no later than **June 8, 2020**. 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, they must self-isolate for 14 days. If an employee experiences any of the symptoms above or has had contact with a person who tested positive with COVID-19, then they may not return to work until authorized by NMDOH.

II. 2nd Phase: Restoring Client Services and Reopening to Clients and Visitors

Effective Monday, June 8, 2020, LOPD will reopen its doors 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, #11, [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 prohibited at this time and will continually be evaluated as facilities are opened to visitors.
 - 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 evaluate their cases to determine if they have cases with experts travelling from outside New Mexico. Attorneys must communicate with that expert about the NMDOH and their home state’s orders and recommendations that may require a [14-day quarantine upon arrival to NM or upon return to their home state](#). Attorneys should file appropriate motions or request a continuance as interstate travel has been discouraged by

NMDOH.

11) Attorneys and LOPD employees are prohibited from conducting any in-person visits with clients in custody at this time. We do not want to expose employees or our clients to potential infection.

12) Notices:

- a. Office managers should remove existing signage notifying the public LOPD is closed to visitors and replace with this [updated signage](#). 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 the application fee at a later time. If you have questions about a specific eligibility issue, please contact your district defender or office manager.
- b. 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.
- 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) If schools and/or day care centers are closed, employees will not be allowed to bring their children to work. Please refer to the [LOPD Visitor Policy](#).

III. Other Items

1. Leave and Attendance

Since LOPD social distancing coronavirus-related administrative leave will conclude after May 29, 2020, employees needing to [stay home](#) will then 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.

Employees are directed to follow procedures laid out in the administrative leave memorandum from the Chief Public Defender and [the Administrative Leave Award 1.2 – Families First Coronavirus Response Act \(H.R. 6201\) and Emergency Family and Medical Leave Expansion Act](#). Please also refer to the [Coronavirus Leave Table](#) for additional guidance. Employees requesting to take coronavirus related leave, are required to submit a [Coronavirus Leave Request Form](#) to their supervisor. The designation of

each employee is within the discretion of the district defender and deputy chief, and may be changed on the basis of operational need and the evolving circumstances.

As this is an ongoing, changing situation, employees are still eligible and will still have access to accrued sick and annual leave and applicable federal 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](#).

Avoid public events and transportation (walk, cycle, drive a car) or go early or late to avoid rush hour crowding on public transportation.

Avoid recreational or other leisure classes, meetings, activities, events etc., where employees might come into contact with contagious people.

3. Links to Other Resources

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

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

[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.

Submit an email request for a mask to NMDOH by using this link: [Request a Mask](#)

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.