



LOPD RESTORING SERVICES TO CLIENTS, PROOF OF COVID-19 VACCINATION, TESTING AND MASK REQUIREMENTS 5.1.1

5.1.1 Additions and changes are highlighted in turquoise in this document and changes are effective Friday, August 20, 2021.

As New Mexico has reopened fully, LOPD will follow suit. As New Mexico has reopened fully, LOPD will follow suit. LOPD has restored all client services, and fully reopened offices and services. LOPD continues to explore a long-term telework policy. This plan is subject to change in response to the evolving national and local mandates and recommendations. Throughout this plan are links to provide you a reference to additional resources and information related to COVID-19.

Following the resumption of jury trials in February 2021 and in-person hearings July 19, 2021, district defenders and division managers should assess operational and client needs and ensure in-office staffing supports the resumption of in-person trials and hearings.

- 1) **LOPD is fully open to clients and visitors.** 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 Employers](#)" (updated June 30, 2021).
- 2) Deputy chiefs and district defenders have discretion to enact more stringent restrictions than those in this plan.
- 3) **Masks**
 - a) Pursuant to the [Governor's and NMDOH's August 17, 2021 public health order](#), all LOPD employees and visitors in any LOPD office must wear a mask, specifically while in public areas or common spaces, while walking around and exposed to other people. Masks will not be required when an employee is alone in their individual workspace that allows for social distancing, 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](#).
 - b) Any employee who fails to wear a mask specifically while in public areas or common spaces, while walking around and exposed to other people, or without an authorized exemption shall be directed to put on a mask immediately and may be subject to discipline.
 - c) LOPD employees must wear masks when visiting jails or prisons.
 - d) In addition, employees must comply with the LOPD safety practices, which is a minimum standard, and shall also follow more restrictive policies regarding masks issued by local courts, counties, and other criminal justice partners.
 - e) All visitors are required to wear masks. If a visitor does not have a mask, then a single-use disposable mask will be provided by the local office.

- f) Employees and LOPD contractors or vendors 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.
- 4) **Submitting proof of vaccination – Vaccinated employees are required to provide proof of vaccination to LOPD Human Resources (HR) via email by submitting proof to this designated address: LOPD-COVIDVaccine@lopdnm.us** (email box is only accessible by HR staff).
- a) **Vaccinated employees must submit proof of vaccination to the designated email address by 5 pm on Monday, August 9, 2021.**
 - b) Acceptable proof of COVID-19 vaccination is a CDC vaccine card or a vaccine record from the New Mexico Statewide Immunization Information System, which indicates the name of the vaccine recipient, the date(s) the vaccine was received, and which COVID-19 vaccine was received.
 - c) Vaccinated employees who do not have a copy of their proof of vaccination may obtain a copy of their proof of vaccination, which includes the name of the vaccine recipient and the date(s) the COVID-19 vaccine was received, by visiting the NMDOH website [HERE](#).
 - d) Any employee who knowingly provides fraudulent proof of COVID-19 vaccination may be subject to discipline, up to and including dismissal.
 - e) LOPD employee's proof of COVID-19 vaccination shall be treated as confidential medical information and shall be maintained by HR separately from the employee's personnel file.
 - f) Employee's vaccination status, but not the actual Proof of COVID-19 Vaccination, will be shared with the employee's supervisors to determine compliance with the Governor's [Executive Order 2021-046](#). **Starting on** Thursday, August 12, 2021, HR will provide district defenders and division heads with the list of employees who have submitted proof of vaccination. The list will also identify employees who are not fully vaccinated or not willing or able to provide proof of COVID-19 vaccination.
 - g) This applies to all employees, including those with approved telework arrangements.
- 5) New Mexicans can register and self-schedule their vaccinations at vaccineNM.org. *Between August 2 and August 31, all New Mexicans are also eligible for a [\\$100 incentive for getting vaccinated](#).*
- 6) **Employees who are not fully vaccinated or unwilling to provide proof of COVID-19 vaccination, regardless of teleworking or working physically in an office, shall be required to test for COVID-19 every (7) seven days and retain the test results until the employee becomes fully vaccinated or until further notice.**
- a) **The testing requirement begins on August 24, 2021.**
 - b) **The LOPD COVID-19 Vaccination and Testing Requirements Plan 5.2 is located [HERE](#). Employees who are not fully vaccinated or unwilling to provide proof of COVID-19 vaccination should thoroughly review the [Testing Requirements 5.2 Plan](#).**
- 7) **Self-Screening prior to arriving at work**
- a) **Employees are required to complete a self-screening daily prior to arriving at the office, by asking the following self-screening questions:**
 - i) Have you tested positive for COVID-19 in the last 10 days?
 - ii) Have you experienced any [COVID-19 symptoms](#) in the past 48 hours?

- b) Employees that answer yes to any the above questions, or has received a COVID-19 positive test or had an exposure to COVID-19, [must stay at home](#), discuss with their supervisor, and contact your healthcare provider immediately or [schedule a test at one of NMDOH facilitates around the state](#).

8) **Employees experiencing symptoms**

- a) Any employee experiencing any COVID-19 related symptoms (including: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscles or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea) must stay at home, notify their supervisor and arrange for free testing through the NMDOH [HERE](#) or call the NMDOH at 1-855-600-3453.
- b) The CDC's coronavirus self-checker is located [HERE](#).
- c) All employees must request and obtain approval to use accrued sick leave or annual leave to cover any absences from work.

9) **[CDC recommendations for fully vaccinated people](#)**

- a) Fully vaccinated people who become infected with the Delta variant can transmit it to others.
- b) Isolate if you have tested positive for COVID-19 in the prior 10 days or are experiencing [COVID-19 symptoms](#).
- c) Get tested 3-5 days after exposure to someone with suspected or confirmed COVID-19 and wear a mask in public indoor settings for 14 days after exposure or until they receive a negative test result.
- d) When [fully vaccinated people are experiencing COVID-19 symptoms](#), they should:
 - i) [Isolate themselves from others](#), be clinically evaluated for COVID-19, and
 - ii) Get tested if experiencing [COVID-19 symptoms](#),
 - iii) The symptomatic fully vaccinated person should inform their healthcare provider of their vaccination status at the time of presentation to care.
- e) [Fully vaccinated people with no COVID-19 symptoms](#) that have been exposed to someone suspected or confirmed COVID-19:
 - i) Should be tested 3-5 days following a known exposure to someone with suspected or confirmed COVID-19 and wear a mask in public indoor settings for 14 days or until they receive a negative test result ([all LOPD employees and visitors must wear a mask while in LOPD offices pursuant to this policy](#)). They should isolate if they test positive.
 - ii) Fully vaccinated people who live in a household with someone who is immunosuppressed, at increased risk of severe disease, or unvaccinated (including children <12 years of age) could also consider masking at home for 14 days following a known exposure or until they receive a negative test result.
 - iii) Most fully vaccinated people with no COVID-like symptoms do not need to [quarantine](#) or be restricted from work following an exposure to someone with suspected or confirmed COVID-19, if they follow the testing and masking recommendation above.
 - iv) Fully vaccinated people should monitor for [symptoms of COVID-19](#) for 14 days following an exposure.

10) **In-person meetings, trainings and travel**

- a) In-person meetings and trainings may resume. Masks [must](#) be worn and high touch surfaces should be cleaned.
- b) Work-related travel is permitted within state.

- c) Work-related out of state travel is permitted, with district defender and deputy chief approval. Training related travel requires approval by training and recruitment director.

11) **Cleaning offices and office space** – Building cleaning staff in local offices will continue to clean and dispose of waste. Cleaning once a day is sufficient to help maintain a healthy facility. However, disinfection will be completed by building cleaning staff if there is confirmed or suspected COVID-19 in a space.

- a) Updated CDC guidance for cleaning and disinfecting is located [HERE](#).
- b) Offices shall provide hand sanitizer at reception desks and client service areas.

12) **Telework**

- a) 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](#))
- b) 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: 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.

13) **Visitor protocols**

- a) **All LOPD employees and visitors, in any LOPD office, must wear a mask. If a visitor does not have a mask, then a single use disposable mask will be provided by the local office. If a visitor declines to wear a mask 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) Transports from jails or prisons are permitted.
- c) Evaluations, polygraphs, etc., of out of custody clients by experts in an LOPD office is permitted.
- d) LOPD employees are permitted to conduct in-person visits with clients in custody.

14) **Eligibility screening**

- a) 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](#)).

15) All employees are subject to LOPD policies, Code of Conduct, and Respectful Workplace Guidelines, and are protected from discrimination, harassment, and retaliation.