



LOPD CORONAVIRUS RESPONSE PLAN 1.3

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.

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

1.2 Additions and changes are highlighted in yellow in this document.

Due to the coronavirus outbreak and efforts to mitigate the spread, LOPD encourages district defenders to work with employees to reduce in-person contact by allowing employees to work from home when approved and approving leave, pursuant to the guidance in this plan. **District defenders are instructed to put skeleton crews in place immediately.**

Preventing the Spread of the Coronavirus

District defenders, office managers, fiscal, and the Deputy Chief for Administrative Services Division will work with the owners and property managers of district offices, Department of Health (DOH), 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](#).

Office Operations

An analysis established three groups into which employees fall: 1) those that must report to the office to perform critical functions, 2) those approved to telework, and 3) those who cannot telework but must remain at home. 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.

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 shall permit and encourage employees to telework as a way to reduce in-person contacts between employees and clients at the regular work location.

Leave and Attendance

The department expects employees to self-monitor for signs and symptoms of the coronavirus. Employees who suspect possible exposure, are sick, are experiencing symptoms of the coronavirus, or have a household member who is exhibiting symptoms of the coronavirus **must not report to work and** must immediately inform the Department of Health, their immediate supervisor, and LOPD-HR. Employees sent home under this provision should remain in contact with their immediate supervisor and may return to work as described below. The state Department of Health coronavirus hotline is (855)600-3453. If you feel like you are at high risk for this infection or have been exposed, please contact your supervisor immediately.

Employees who are well and able to telework should do so in accordance with this plan.

Leave

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

The department is offering corona-related administrative leave to employees who are unable to complete their work duties from home as determined by their direct supervisors, or have been impacted by coronavirus because they have or family members have exhibited symptoms, or are on a required self-quarantine, or caring for children due to school and day care closures. 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.

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 or staying home on social distancing paid administrative leave, 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.** Once corona-related administrative leave concludes, per the order of Chief Ben Baur, 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.

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

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 leave related to symptoms, coronavirus testing, contact with confirmed case, or imposed quarantine are required to communicate **and obtain approval** 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. **All employees requesting to telework, must submit the Telework Agreement Form to their supervisor for approval.**

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 **May 15, 2020. In addition, the LOPD statewide conference scheduled for June 15-16, 2020 has been canceled.** We strongly discourage in-state travel to visit offices, attend court settings, trainings or other meetings. You must obtain approval from your direct supervisor and the deputy chief if you have unavoidable travel through **May 15, 2020.** Please use alternative options such as Zoom, phone, email, and telephonic appearances for attorneys that must travel for court hearings. **Attorneys and LOPD employees are prohibited from going to jails or prisons and must eliminate any in-person visits with clients in custody.** ~~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.

Employees should avoid crowded public events and employees should adhere to [state health and travel restrictions](#).

Pursuant to the DOH recommendations, anyone who has travelled to a high risk area found [here](#) since February 28, 2020, must self-quarantine for 14 days. Employees returning from personal travel either out of the state or out of the country **are required** to self-quarantine for 14 days per the [April 6, 2020 Public Health Emergency Order](#) and must **notify** 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, pursuant to DOH recommendations.~~ If an employee travels to a high risk area, they **shall** not return to work and [self-quarantine for 14 days](#).

Efforts to Reduce In-Person Contact and Social Distancing Guidelines

Due to the coronavirus outbreak and mitigate the ongoing spread, LOPD requires district defenders to work with employees to reduce in-person contact by allowing employees to work from home when approved and approving leave, pursuant to the guidance in this plan. District defenders are instructed to **put skeleton crews in place immediately**. In addition, 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. **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](#), [NM DOH FAQs](#), and [NM executive orders and public health orders](#).**
5. **Updated safety practices from the CDC include:**
 - a. **Maintain social distancing of 6 feet in the workplace.**
 - b. **Avoid sharing headsets, phones, or other items that are used near mouth or nose.**
 - c. **Wear a face mask while in the workplace, while at grocery stores, or other places where you may contact with others.**
6. **Effective March 12, 2020** ~~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 in exceptional circumstances.** Efforts **must** be made to limit physical contact. Please refer to the CDC for guidance on limiting in-person contact [here](#).

7. Effective March 17, 2020 immediately, every office shall eliminate visits by non-LOPD employees including: clients, client's families, witnesses, and criminal justice partners, etc. This applies to the following:
 - a. Transports of clients from jails or prisons to offices is prohibited.
 - b. Evaluations, polygraphs, etc. of out of custody clients by experts in office is prohibited.
 - c. Attorneys must evaluate their cases to determine if there are upcoming evaluations or polygraphs that need to be rescheduled.
 - d. In addition, attorneys must evaluate their cases to determine if they have cases with experts travelling from outside New Mexico and communicate with that expert about the DOH recommendation that does require a [14 day quarantine upon the individuals return to their home state](#). Attorneys should file appropriate motions or request a continuance as interstate travel has been discouraged by DOH.
 - e. Employees should refer to the [Chief Public Defender Safe Workplace Directive](#) for additional direction.
8. District defenders and office managers will send any updated LOPD notices 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.
9. 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.
10. Attorneys and LOPD employees are prohibited from conducting any in-person visits with clients in custody. ~~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.
11. 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.
12. **Cancel** ~~Avoid~~ any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
13. Do not congregate in work rooms, break rooms, copier rooms or other areas where people socialize.

14. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).
15. Physically distance when taking breaks. Stagger breaks and don't congregate in the break room, and don't share food or utensils.
16. Please submit orders for office supplies, equipment, or services 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 by closing a district office, then employees who are well and able to telecommute should do so in accordance with this plan and with the approval of the district defender and deputy chief. 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.