



Bennett J. Baur
Chief Public Defender

TO: LOPD District Defenders, Managing Attorneys, and Office Managers

FROM: LOPD Executive Team

DATE: April 9, 2020

RE: Direction for managers when an LOPD employee tests positive for COVID-19

This memo is to provide guidance to District Defenders, Managing Attorneys, and Office Managers if they receive confirmation of a positive test of an employee of their office. Templates, signs, and emails are linked in this document to eliminate additional steps for managers.

First and Foremost: “Protecting Employees and Our Community”

If you have an employee that reports experiencing symptoms, or an employee you observe experiencing symptoms, you must ensure they stay home and do not report to the office. Notify your District Defender and Deputy Chief Public Defender immediately. If that employee performs a critical function that requires doing any work in office and that work is unable to be performed in their home, then you must designate employee(s) to fulfill that function. If you do not have any other employees that are able to perform that critical function, then you must contact your District Defender, and Deputy Chief Public Defender to discuss a plan to cross train other employees, or create a different plan.

Notification

Once an employee reports they have experienced any symptoms or submitted to testing, then you must notify your Deputy Chief and email details, including name of employee, symptoms, and test date to [LOPD-HR](#). A member of HR will be in contact to follow up with the employee.

Per CDC and DOH recommendations, no medical documentation of symptoms or testing is required, nor should you require it of the employee either.

Once you are notified of the COVID-19 test results, you must relay that information to your deputy chief, and also email [LOPD-HR](#).

If there is a positive test, then LOPD does need a screenshot or other information to confirm the positive test from the employee.

Once you receive confirmation of the positive test, you must:

- 1) Notify the [LOPD-Executive Team](#) by email.
- 2) Update the “[Memo ordering immediate closure of the office.](#)” This memo outlines information

for you and your employees on the immediate closure of the office. It also notifies employees that they will be provided more information within two business days of the closure about the status of the length of the closure. Email the updated notice to employees. Update and then post [THIS signage](#) at your office.

- a. Example emails:
 - i. [Notice of immediate closure](#)
 - ii. [Follow up](#) email
- b. LOPD will follow the same procedure for your office as was established when the SF office was closed.
 - i. Regarding the SF office positive test: we received confirmation of a SF office employee testing positive at 7:45 pm. We sent out the notification immediately closing the office to all employees by email that evening. The DD and office manager also contacted those employees by phone so that no employee would return to the office the next day. The next morning, the executive team met with the DD by zoom to determine how long the office would be closed.
 - ii. DD's should be prepared to provide the following information:
 1. The last day the employee was in the office.
 2. A list of employees the positive employee may have had "direct contact" with, including criminal justice partners.
 3. The Center for Disease Control and Prevention (CDC) defines close contact as: (a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case – *or* – (b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on).
 - iii. In the meantime, [Theresa Edwards](#), LOPD Fiscal Director, was in contact with the property manager and owner to finalize a plan and timeline for a deep clean of the office.
 - iv. Once a new timeframe of the closure is determined, then the "[Memo ordering long-term closure of the office](#)" should be updated and emailed out to employees and [this signage](#) should be updated and posted at your office. Please copy the [LOPD-Executive Team](#) on the email.
- 3) HR and the DD or MA will then schedule a time to interview the employee to create a list and timeline of all those – including: employees, criminal justice partners, and/or clients, who have come into contact with the COVID-19 positive employee.
- 4) The employees identified will be contacted by email ([example](#)) and [this letter](#). The letter provides notification that they have been identified as an individual with close contact with an employee that tested positive with COVID-19.
- 5) The DD should have their own process and documentation for tracking employees reporting

symptoms of COVID-19 and also those tested, results, and dates. For your convenience, a spreadsheet created by DD Ball is [HERE](#). Any updates on the status of testing/symptoms should be provided by email to Jennifer Birmingham and [LOPD-HR](#).

- 6) The DD should also update the “[Letter to Partners re Positive COVID19](#)” and send an [email](#) with the letter attached directly to criminal justice partners, including chief judge, judges, district attorney, local jail and/or county contact, etc.

Disclosure and confidentiality

Regardless of whether the employee states they are comfortable with their name being released to LOPD colleagues or criminal justice partners, it is LOPD policy not to release that information. Instead, it is within the full discretion of the employee. If the employee requests that LOPD provide notice to employees on their behalf, then the employee must submit it directly to [Ronald Herrera](#) and [Adrienne Turner](#) by email.

The employee tested has full discretion and ability to notify any colleagues, criminal justice partners, friends and family if they had direct contact. It is their information to share and as a manager, you should not interfere with their desire or ability to share the information.

Reopening the Office

Two business days prior to the date the office is scheduled to reopen, district defenders must contact the [LOPD-Executive Team](#) by email to confirm that a deep cleaning was completed and that the office is still on track to reopen on the scheduled date. Reopening of the office does not mean operations are back to normal and employees are expected to return to regular in-office schedules. Unless told otherwise, the office reopening means District Defenders ensure that skeleton crews are in place, critical functions are being met, and teleworking for those employees that are able.