

SUPREME COURT OF VIRGINIA

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GAIL WARREN

November 25, 2020

The Honorable James J. Reynolds, Chief Judge
Danville Circuit Court
P. O. Box 3300
James F. Ingram Justice Center
401 Patton Street
Danville, VA 24543

Dear Chief Judge Reynolds:

A panel of three Justices in consultation with the Office of the Executive Secretary has approved your plan for the resumption of jury trials in the Pittsylvania County Circuit Court. You may begin jury trials effective today, provided the jury trial is consistent with and in reasonable conformity with the plan. This approval is subject to a change in circumstances including failure to carry out the plan you have submitted.

The Supreme Court is aware that communities in Virginia are different and more importantly, courthouses are different. As we have reviewed proposed plans, our concerns were that major issues have been addressed and that users of the courthouse have knowledge of what is expected of them. An undertaking of this magnitude is likely to require changes to the plan as participants discover that some practices do not work well and need further consideration. Of course, the plans cannot be subject to significant changes every time there is a jury trial. Furthermore, the plan cannot recite the solution to every problem that may arise. We are now learning that "strict conformity" with the plan should not be expected in all of the details.

We also know that the plans will need to have some room for adjustments as we learn about how certain aspects of the plans work or don't work. This letter is not an Order. The various emergency orders forbidding jury trials until a plan is submitted to and approved by the Supreme Court are clearly orders. As we have learned, from time to time there will be deviations from strict conformity to the plan. If and when this is so, it is the presiding judge who must make the decision. If the deviation is substantial and is likely to reoccur, the locality may need to resubmit a plan for approval.

The presiding judge must and does have the authority to make decisions that must be made to effectuate a trial. Should there be changes made to the plan that have long term significance, the plan should be modified and resubmitted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald W. Lemons". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald W. Lemons

Revised-Pittsylvania County Circuit Court Safety Plan for conducting Jury

Trials: 11/23/2020

PERSONS CONSULTED

This plan has been developed in consultation with Judges of the 22nd Circuit Court, the Clerk of the Circuit Court, deputy clerks, bailiffs from the Pittsylvania County Sheriff's Department, judicial assistant, court reporter, Pittsylvania County Commonwealth Attorney and members of the Pittsylvania County Bar Association.

RESOURCES CONSULTED

This plan was developed using the latest information available from the Centers for Disease Control and the World Health Organization.

<https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>

<https://www.vdh.virginia.gov/>

Alleghany County Plan for the Conduct of jury trials during COVID-19

PLAN INCORPORATES: The Virginia Department of Health Guidelines and the Department of Labor and Industry's Emergency Temporary Standard located at www.doli.virginia.gov and appendix 1 are incorporated by reference. Excerpts are included with appendix 1.

CRITERIA CONSIDERED

1. To ensure the health and safety of all participants in a jury trial: The jurors, litigants, witnesses and Courthouse employees as well as other members of the public accessing the Courthouse. This will be accomplished through prescreening, use of personal protective equipment (PPE), social distancing, cleaning and disinfecting surfaces and maintaining air quality.
2. To ensure the Constitutional and statutory rights of the parties, including but not limited to the right to a jury trial, the right to a speedy trial, the right to a public trial, the right to confrontation, and the rights of crime victims.
3. To ensure that the parties have a full and fair opportunity to litigate the case in as normal a fashion as possible.
4. To ensure that the jurors and other participants feel comfortable both with the health and safety measures and with any modifications that have been necessary so that they are not distracted and can fully focus on the case.
5. To ensure that the Court's Docket can be heard in a timely manner so that the public can have access to the Courts.

THE FACILITY

The Pittsylvania County Courthouse was constructed in 1853. There have been two additions to the building with the last addition in 1991. The Courthouse has a total of three stories. In the newest addition at ground level is the Security Station, Treasurer's office, Magistrate's office and entry to the Pittsylvania County jail. Also, the Commonwealth Attorney Office is on the ground level with a separate entrance that does not permit entrance into the Courthouse complex. The second floor consist of the Clerk's office for General District Court, General District Court Courtroom, General District judge's chambers, witness rooms, the Commissioner of Revenue's offices and the Circuit Court Clerk's office and deed room. The Circuit Court Clerk's office has a front entrance which permits window access to the clerks. The third floor houses the J & D waiting areas, J & D Court Clerk's office, J & D Courtrooms, J & D judge's chambers, the Intake Office for J & D Court Services, the Circuit Court Courtroom, jury room, witness rooms, Circuit Court judge's chambers, and the waiting area.

Access to the public is through the main entrance on the ground floor and is controlled by a security station directly inside the entrance. Employees have access through back and side entrances to the courthouse with use of a security card. There is a main elevator that serves all floors and a second smaller elevator in the older section of the courthouse complex. There are public restrooms on each floor. On days that jury trials are held those restrooms are restricted to the use of jurors only. The Pittsylvania County Jail is located beside of the Courthouse and a secure entrance to the Courthouse from the jail is on the first floor of building through use of secured elevators.

Proper signage is placed throughout the Courthouse Complex noting requiring of face coverings, social distancing, limited number in elevators and marks for social distancing.

FACILITY VENTILATION

The Court has consulted with the Pittsylvania County Maintenance Department Director regarding the current HVAC system. The Director has confirmed that the air handlers are being maintained at a full flow ventilation as designed. Additionally, the systems are not being turned off at night in order to maintain airflow through the building. The building is equipped with a rooftop air handler to take in outside fresh air for use in the HVAC which circulates air through the air handler then the filter filtrates the air to be used. Air filters in use are the recommended filters and are the highest MERV rating that is recommended for the equipment. The filters are checked monthly and replaced when necessary. HVAC runs 24-hours per day to enhance air exchange in the building space. During winter months the courtroom is heated by steam radiators. The air handler system will be maintained in order to pull air out and send it through for filtration during these months too.

ENTRANCE-SECURITY CHECKPOINT (ONE POINT OF ENTRY FOR THE PUBLIC)

1. In accordance with the emergency orders entered by the Governor, the Virginia Supreme Court and the Circuit Court of Pittsylvania County, all individuals shall wear a mask upon entering the courthouse at the security checkpoint and wear face masks while in the public portions of the courthouse complex and while in the courtroom, witness rooms and jury room. (Masks will be provided, and multiple sanitizing stations are placed throughout the Courthouse Complex.) A deputy will be present outside the entrance of the courthouse to minimize lines at the entrance and to ensure proper social distancing while jurors are waiting to enter the courthouse. If necessary, deputies may require individuals attempting to enter the Courthouse for other reasons to return to their vehicle and delay their admittance until all jurors have been screened.

2. All individuals entering the courthouse shall have their temperature taken and answer the following questions:

- Within the last 14 days have you traveled internationally?
- Are you currently experiencing, or have you experienced in the past 14 days, a fever, cough or shortness of breath?
- Within 14 days of the trial date have you had (or do you have):
 - Fever or chills?
 - Cough?
 - Shortness of breath or difficulty breathing (other than a pre-existing non-COVID diagnosis)?
 - Fatigue?
 - Muscle or body aches?
 - Headache?
 - New loss of taste or smell?
 - Sore throat?
 - Congestion or runny nose?
 - Nausea or vomiting?
 - Diarrhea?
- In the past 14 days, have you been in close proximity to anyone who was experiencing any of the above listed symptoms?
- In the past 14 days, have you been directed to quarantine, isolate, or self-monitor?
- In the past 14 days, have you been diagnosed with, or had contact with anyone who has been diagnosed with COVID-19 or resided with someone in the above categories?
- Have you been tested for COVID-19 and are waiting to receive test results?

· ****Anyone answering “yes” or who has a temperature of 100.4 degrees or over will be **denied** entry. However, if the person is a necessary party or witness, the court will make accommodations through Polycom, WebEx, or continuances. The person will NOT be allowed into the courtroom and potentially expose others.**

3. After exiting the security checkpoint, individuals will be instructed to keep socially distant (6-feet apart) throughout the courthouse. Elevator will be limited to no more than

three people with mask. Informative signage pertaining to masks, social distancing, and hand hygiene is posted throughout the Courthouse Complex.

EXPOSURE PROCEDURE

1. Before trial if there is exposure to COVID-19 by Courthouse complex personnel – the Courthouse Complex would be shut down and sanitization would be done, all affected areas of the complex will be sealed for 24 hours if possible to allow for the affected areas to be cleaned and sanitized, all department heads will be notified so they can advise their employees of any potential contact as well as notification to the general public. Those who have been exposed will be instructed to follow the Virginia Department of Health Guidelines which have incorporated the Department of Labor and Industry Emergency Temporary Standards which is attached as Appendix 1. The trial will be continued, and the Court will notify all participants in the case of the continuance. Notification will occur by emails, phone and a message placed on Court’s answering machine. Signs would be posted at the Courthouse Complex noting the Court’s closure due to COVID-19 exposure.
2. Exposure to COVID-19 or symptoms of COVID-19 during trial by any individual who had contact with the trial proceedings will result in the Court sending everyone home – personnel, parties, attorneys and jurors, with instructions to follow the Virginia Department of Health Guidelines which have incorporated the Department of Labor and Industry Emergency Temporary Standards which is attached as Appendix 1. Those who have been exposed will be instructed to follow the Virginia Department of Health Guidelines which have incorporated the Department of Labor and Industry Emergency Temporary Standards which is attached as Appendix 1. The Courthouse Complex would be shut down and sanitization would be done. All affected areas of the complex will be sealed for 24 hours if possible, to allow for the affected areas to be cleaned and sanitized, all department heads will be notified so they can advise their employees of any potential contact as well as notification to the general public. Signs would be posted at the Courthouse Complex noting the closure due to COVID-19 exposure. The Court will consult with litigants, remotely if necessary, to determine if a continuance or mistrial will be necessary. Among factors to be considered will be the availability of test results in a timely manner, the uses of alternates, the stage of trial, the length of the delay and the continued availability of the jurors and litigants.
3. Symptoms of or positive testing for COVID-19 exposure shortly after a jury trial would result in the Court notifying (via email and phone) all jurors that had been involved in the recent jury, as well as ALL other parties such as personnel, attorneys, witnesses and other occupants in the Courthouse Complex. They will be instructed to follow the Virginia Department of Health Guidelines which have incorporated the Department of Labor and Industry Emergency Temporary Standards which is attached as Appendix 1. The Courthouse Complex would be shut down and sanitization would be done. Signs would be posted at the Courthouse Complex noting the closure due to COVID-19.

JURY LIST FOR TERM OF COURT

1. The Clerk of Court shall consult with the Court to determine the appropriate number of jurors to be summoned for each Term of Court. Factors to be considered will include the number of juries scheduled and the nature of the cases; the current prevalence of COVID-19 in the community and any evidence of community spread or “hot spots”; and any data obtained with regard to appearance rates and requests to be excused from prior terms of Court.
2. At the time jurors are notified that they are in the juror pool for the Term of Court, they will be provided with general information with regard to the steps being taken to ensure their safety, an initial questionnaire, explanation for mitigation efforts, emails and phone number provided to contact the Clerk with any concerns or questions. They will also be provided with a checklist to determine if they are a high-risk individual and a list to self-check for symptoms. (Appendix 2). Potential jurors will also, be provided with a link (URL) to the copy of this plan posted on the Supreme Court’s public website. They will be notified that face coverings and social distancing are required.
3. Deferment from jury duty to a later time and excuses from jury duty will be liberally granted. Upon arrival at the Courthouse, all jurors will be prescreened at the security station in the same manner as all others seeking entry. Anyone whose answers or appearance cause concern will be denied entry and the Clerk or Court will be notified.
4. If a juror is unable to or refuses to wear a mask, they will be deferred from jury duty to a later time.
5. The point person for jurors or the public to contact about symptoms or concerns is Mark Scare, Clerk of Court at (434) 432-7889.

ARRIVAL

In order to regulate foot traffic in the Courthouse and minimize lines at the security station, all parties and their attorneys are expected to be in the Courthouse prior to 8:30 a.m. The jury panel will be divided into three groups and instructed to report in ten-minute increments, beginning at 8:45 a.m. If necessary, deputies may require individuals attempting to enter the Courthouse for other reasons to return to the street and delay their admittance. All employees should use the employee entrance and not attempt to enter through the public entrance.

Bailiffs will escort jurors at all times as they enter and exist the courthouse and courtroom to ensure no contact with other patrons and social distancing. Social distancing during breaks will be enforced by the bailiffs in the stairwells, hallways and elevators (public areas, including hallways, will be marked off in 6-foot intervals.

Upon arrival to the Courthouse and prior to voir dire, jurors would be separated between the jury room, deliberation room, and J & D courtroom #2. They would be directed to assigned seats that would be socially distanced 6-feet apart. These areas would be properly

sanitized upon release of the jurors and prior to further use by others. The seats in all the rooms will be cleaned as new jurors or panels arrive.

VOIR DIRE

Voir dire will occur with jurors seated in the courtroom gallery area. They would be directed to assigned seats that would be socially distanced 6-feet apart. These areas would be properly sanitized upon release of the jurors and prior to further use by others. (See sanitation section).

ENTRY INTO COURTROOM

Upon entry into the courtroom, a bailiff will escort individuals to their seat. There will be 6-feet between people on each bench and the space directly in front and directly behind each person will be an empty space to ensure people are 6-feet apart. (Seating will be marked accordingly.) Names and phone numbers of all individuals must be provided to bailiff upon entering courtroom (for potential contact tracing).

JURY PANEL

The jury panel will be socially distanced (6-feet apart) while seated in the courtroom gallery during the trial. Each juror will be assigned a seat. The jury will use another courtroom (J & D Courtroom #2) for deliberation so they can be socially distanced (6-feet apart). (All books and materials will be removed from the deliberation courtroom.) Social distancing during breaks will be enforced by the bailiffs in the stairwells, hallways and elevators (hallways will be marked off in 6-foot intervals). During meals the jurors would maintain their social distancing by remaining in their assigned seats in the J & D courtroom #2, with individually wrapped snacks, bottled water and boxed meals being provided. Jurors will wear face coverings at all times, but the Court may permit an individual juror to lower the face covering briefly if requested by counsel but will have the juror step to a designated location at least 10-feet from all other persons to ensure social distancing as required. This may occur during voir dire only. Each juror will be provided their own set of instructions. Each juror will be provided a new pad to write any questions down for the court and be provided new pens. .

FACE COVERINGS

All persons must wear face coverings. If face coverings impair the ability of a lawyer to communicate with the witness or with the Court, the Court may grant the attorney permission to remove his or her face covering as necessary, ensuring the attorney remains physically distant at least 10-feet from all other persons to ensure social distancing as required.

If face coverings impair the ability of a lawyer and his client to communicate at counsel table an alternate methods of communication such as note writing, texting between devices, are unavailable or insufficient, the Court will permit counsel whatever recesses are necessary for purposes or facilitating private communication. Lawyers and parties will be at counsel table wearing masks and with a plexi-glass divider in-between them.

A criminal defendant may be asked to remove his or her face covering during voir dire to ensure prospective jurors can see him or her and indicate whether any know or recognize him or her. He or she may also be asked to lower his or her face covering briefly for the purpose of enabling a witness to see his face and answer whether the witness can identify the defendant. If a face covering must be removed for any reason (voir dire, identification, etc.), the distance between the unmasked person and all others will be more than 10 feet, as recommended by the Virginia Department of Health. The court reporter and the clerk will be seated on either side of the judge and will be wearing masks.

WITNESSES

All witnesses will be socially distanced (6-feet apart) while in witness rooms with a seat being assigned to each witness. Witnesses must wear face coverings. The witness stand, however, is sufficiently distanced from any other person in the courtroom and is encompassed in plexi-glass to allow the witness to take the face covering down and testify with face exposed. If a lawyer or bailiff needs to approach a witness to hand him or her something, the Court will instruct the witness to recover his or her face covering before allowing the approach. The witness box will be cleaned and sanitized by the bailiffs after each witness testifies. Witnesses will receive assigned times to appear after the jury has been seated. All materials will be removed from the witness rooms.

PUBLIC ACCESS

. Public access to jury trials will be made available via closed circuit television or WebEx. Individuals who desire to view court proceedings will be directed to a designated area to view the proceedings. No one is allowed to have cell phones (or other recording devices) in the courthouse therefore, no one will be able to record or be heard during the proceedings. The seats in the designate area will be marked to provide social distancing. The right to public trial will be preserved. Limited number of members of the press will be allowed in the courtroom if the safety rules can be complied with during the proceedings.

RESTROOMS

Individuals may go to the restroom one person at a time. Signs will be posted on the doors noting only one person allowed in the restroom at a time. Disinfectant and supplies will be in each restroom.

SANITATION

The Court will take a recess at least every two hours to allow cleaning and sanitizing of high-touch surfaces and to allow hand sanitation. The entire courtroom including the bathrooms, witness rooms, and jury deliberation room will be cleaned daily using EPA approved disinfectants for COVID. This cleaning is in addition to cleaning procedures by bailiffs as outlined herein. The bailiffs will use a Victory Handheld Electrostatic Sprayer with EPA approved disinfectant or approved disinfectant wipes to sanitize surfaces touched

by multiple people such as door handles, desks, phones, light switches, microphones and faucets daily. The Courthouse common areas will also be cleaned daily. Deep cleaning of the courtroom and jury area will occur in the evening after court is adjourned. Pittsylvania has hired professional custodians to clean the courthouse complex. Courtroom bailiffs already clean the witness stand with disinfectant between each witness. The bailiffs also clean all high touched surface areas, including doorknobs, seats, tables, desk, etc. after each case. (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>) Counsel tables and chairs will be cleaned and sanitized by the bailiffs after each case. The microphones will be cleaned and sanitized by the bailiffs after each use. The bailiffs will have face coverings and gloves for individuals. All other surfaces in the courthouse, not just the rooms associated with the trial, are cleaned daily in compliance with the Temporary Emergency Standard and other guidance. High touch surfaces throughout the courthouse, including door knobs, bathrooms, railings will be cleaned every 2 hours.

EXHIBITS

Counsel shall make efforts to agree on the admission of exhibits and to pre-mark exhibits prior to trial. Exhibits will not be passed from juror to juror for examination. If possible, exhibits will be displayed on a screen. If it is necessary for the jury to examine a document or picture, one copy must be provided to each juror, and disposable gloves will be made available. Nondocumentary exhibits will be placed on a table, and each juror will be given the opportunity to view them. Disposable gloves will be provided in the jury room if the jury requests to examine any exhibit. Instructions will be provided on the proper use and disposal of gloves.

MISCELLANEOUS

- Sidebars will occur in an adjacent conference room.
- This jurisdiction is a one courtroom jurisdiction therefore limited on number of jurors summoned.
- Jurors can contact the Clerk with any concerns due to COVID-19 and may be excused. If a juror fails to appear, the Clerk will contact them and address the matter with the Court.
- No one will be permitted to hug, shake hands or have any personal contact with anyone.
- All cushions will be removed from the benches and seats.
- Bottled water will be used instead of pitchers of water.
- Sheriff's deputies will be socially distant and will always enforce social distancing within the Courtroom.
- If the trial should take more than one day, all participants will be reminded to practice

social distancing and proper hand and respirator sanitation during overnight recesses and to immediately report to the Clerk any change in their health status. If they become ill while away from the complex, they will be directed to call the Clerk's Office to await further instructions before returning to the building.

PRE-TRIAL CONFERENCE

A mandatory pre-trial conference will be held by telephone or conference call two or three days prior to each scheduled jury trial. Among other issues, the Court will address the use of alternates, the scheduling of witnesses and the handling of exhibits. Counsel are expected to have conferred prior to this conference to discuss stipulations, agreed exhibits and any outstanding pretrial issues. While it is always an inconvenience for potential jurors to report only to have a case settle or continue, under the current emergency it becomes a health and safety issue not only for the jurors, but also for the litigants and Courthouse employees as well. Therefore, all parties are to certify at the pre-trial conference that the case is ready for trial, that all sides have made every good faith effort to resolve the case, that they have considered alternatives to a jury trial and that they have read this plan.

ALTERNATIVE FACILITY

In the event the Courthouse becomes unavailable or the number of litigants, potential jurors or extraordinary public interest makes it necessary, part or all the trial may be moved to an alternative facility. The Court will secure permission to use the Pittsylvania County Community Center. It is located approximately three blocks from the Courthouse, has a gymnasium with a adequate capacity, multiple smaller rooms, adequate furnishings and parking directly next to the entrance. The Court would have exclusive use of the building while Court is in session. The Court has other options available, if the Community Center was unavailable. All the procedures applicable within this plan will apply to any secondary locations. Before a secondary location is approved for use an update to the plan will be submitted. All protocols applicable to the courthouse will also be applicable to the alternative facility.

HAND SANITATION

Multiple hand sanitizer stations have been placed on each floor of the Courthouse, including the public entrance and at each Courtroom entrance. Hand sanitizer is also available at each counsel table, the witness stand, the Clerk's station and the bench. Frequent breaks will be taken throughout the day so restrooms may be accessed for handwashing. Disposable gloves will be provided in the jury room and at the witness stand for the handling of exhibits. (See section on exhibits for further details.) Signage has been placed throughout the building to remind people to observe proper hand and respiratory hygiene.

PERSONAL PROTECTION EQUIPMENT

Disposable masks are available at the security station for those who need them. It is anticipated that a sufficient supply of masks can be obtained by the Sherriff's Department using CARES funding and that this will not impact local budgets.

ENFORCEMENT

If someone removes his or her mask, they will be asked to put the mask back on. If the person refuses, they will have to leave the courthouse complex. The same is true for failing to abide by strict physical social distancing (staying 6-feet or more away from others). If someone fails to abide by the physical social distancing requirement, they will have to leave.

EVALUATION

At the conclusion of the trial, the court, will solicit feedback from the jurors, litigants and Courthouse staff and make any necessary changes as needed.

APPENDIX 1

**WHEN IT IS SAFE TO BE AROUND OTHERS:
ENDING ISOLATION IN NON-HEALTHCARE SETTINGS**

For persons with confirmed or suspected COVID-19 to know when they are likely no longer contagious:



If you had **COVID-19 symptoms** and were directed to care for yourself at home, you can leave your "sick room" and home after these 3 things have happened:

- ✓ At least 10 days have passed since symptoms first appeared, **and**
- ✓ At least 24 hours with no fever without fever-reducing medication, **and**
- ✓ Other symptoms have improved.*

*Note that loss of taste or smell might persist for weeks or months and this should not delay the end of isolation



If you **tested positive for COVID-19 and never had any symptoms** and were directed to care for yourself at home, you can leave your "sick room" and home if:

- ✓ At least 10 days have passed since the date of your first positive COVID-19 diagnostic test, **and**
- ✓ You continue to have no symptoms since the test.



Persons with COVID-19 who have **severe to critical illness** or who are **severely immunocompromised** might need to stay home longer than 10 days. These persons can consider using a test-based strategy to discontinue isolation, in consultation with an infectious disease expert.

* A longer time frame after recovery may be desired to minimize the chance of prolonged shedding of active virus for 1) healthcare personnel in close contact with vulnerable persons at high-risk for severe COVID-19 and 2) persons who have conditions that might weaken their immune system. Such persons should consult with their healthcare provider.
* Healthcare personnel should be excluded from work during isolation and then follow [Return to Work Practices and Work Restrictions](#) of universal source control and self-monitoring for symptoms.
* Based on CDC guidance for [Discontinuation of Isolation in Non-Healthcare Settings](#) aimed to prevent most instances of further spread.

August 28, 2020

**WHEN IT IS SAFE TO BE AROUND OTHERS:
ENDING QUARANTINE AND RETURN TO WORK FOR EXPOSED PERSONS**

People who have been in close contact with a person who has COVID-19 while they are contagious* need to quarantine.

Close contact includes:

- Living with a person who has COVID-19, or
- Providing care for a person who has COVID-19, or
- Being within 6 feet of a person who has COVID-19 for at least 15 minutes, or
- Having exposure to respiratory secretions (e.g., being coughed or sneezed on; sharing a drinking glass or utensils; kissing) from a person who has COVID-19.

*A person with COVID-19 is considered to be contagious starting from 2 days before they became sick (or 2 days before they tested positive if they never had symptoms) until they meet the criteria to discontinue isolation.



HOUSEHOLD CONTACTS

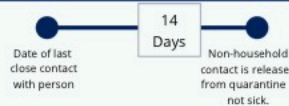
Self-quarantine (stay home) and monitor for symptoms while the person is home and for 14 days after the person has been released from isolation (because exposure is considered ongoing within the house)**.

If you are able to have **complete separation from the person in your house with COVID-19 (this means no contact, no time together in the same room, no sharing of any spaces, such as same bathroom or bedroom), then follow timeframe for non-household contact



NON-HOUSEHOLD CONTACTS

Self-quarantine (stay home) and monitor for symptoms until 14 days after the date of last close contact with the person infected with COVID-19.



HEALTHCARE PERSONNEL

Asymptomatic healthcare personnel (HCP) with potential exposure to patients, visitors, or other HCP with COVID-19 may be [assessed for exposures and advised on work restrictions](#) for 14 days after their last exposure. Exposures include close contact when appropriate PPE is not used, especially for aerosol-generating procedures. If staffing shortages occur, it might not be possible to exclude exposed HCP from work; see [CDC strategies to mitigate HCP staffing shortages](#).



CRITICAL INFRASTRUCTURE WORKERS

Personnel filling essential critical infrastructure roles (as defined in [CISA Framework](#)) should self-quarantine for 14 days after their last exposure. Exposed critical infrastructure workers, except for education sector workers, may continue to work if they do not have any symptoms and additional precautions are taken to protect them and the community. Follow VDH recommendations for [critical infrastructure workers \(non-healthcare\) potentially exposed to COVID-19](#).

Based on CDC guidance for [Community-Related Exposures, Quarantine if You Might Be Sick, Risk Assessment and Work Restrictions for HCP, and Critical Workers Exposed to COVID-19](#)

August 28, 2020

"VOSH" means Virginia Occupational Safety and Health.

"Work practice control" means a type of administrative control by which the employer modifies the manner in which the employee performs assigned work. Such modification may result in a reduction of exposure to SARS-CoV-2 virus and COVID-19 disease related workplace hazards and job tasks through such methods as changing work habits, improving sanitation and hygiene practices, or making other changes in the way the employee performs the job.

16VAC25-220-40. Mandatory requirements for all employers.

A. Employers in all exposure risk levels shall ensure compliance with the requirements in this section to protect employees from workplace exposure to the SARS-CoV-2 virus that causes the COVID-19 disease.

B. Exposure assessment and determination, notification requirements, and employee access to exposure and medical records.

1. Employers shall assess their workplace for hazards and job tasks that can potentially expose employees to the SARS-CoV-2 virus or COVID-19 disease. Employers shall classify each job task according to the hazards employees are potentially exposed to and ensure compliance with the applicable sections of this standard for very high, high, medium, or lower risk levels of exposure. Tasks that are similar in nature and expose employees to the same hazard may be grouped for classification purposes.

2. Employers shall inform employees of the methods of and encourage employees to self-monitor for signs and symptoms of COVID-19 if employees suspect possible exposure or are experiencing signs of an oncoming illness.

3. Serological testing, also known as antibody testing, is a test to determine if persons have been infected with SARS-CoV-2 virus. Serological testing has not been determined if persons who have the antibodies are immune from infection.

- a. Serologic test results shall not be used to make decisions about returning employees to work who were previously classified as known or suspected to be infected with the SARS-CoV-2 virus.
 - b. Serologic test results shall not be used to make decisions concerning employees who were previously classified as known or suspected to be infected with the SARS-CoV-2 virus about grouping, residing in or being admitted to congregate settings, such as schools, dormitories, etc.
4. Employers shall develop and implement policies and procedures for employees to report when employees are experiencing symptoms consistent with COVID-19, and no alternative diagnosis has been made (e.g., tested positive for influenza). Such employees shall be designated by the employer as "suspected to be infected with SARS-CoV-2 virus."
5. Employers shall not permit employees or other persons known or suspected to be infected with SARS-CoV-2 virus to report to or remain at the work site or engage in work at a customer or client location until cleared for return to work (see subsection C of this section). Nothing in this standard shall prohibit an employer from permitting an employee known or suspected to be infected with SARS-CoV-2 virus from engaging in teleworking or other form of work isolation that would not result in potentially exposing other employees to the SARS-CoV-2 virus.
6. To the extent feasible and permitted by law, including but not limited to the Families First Coronavirus Response Act, employers shall ensure that sick leave policies are flexible and consistent with public health guidance and that employees are aware of these policies.
7. Employers shall discuss with subcontractors and companies that provide contract or temporary employees about the importance of employees or other persons who are known or suspected to be infected with the SARS-CoV-2 virus of staying home.

Subcontractor, contract, or temporary employees known or suspected to be infected with the SARS-CoV-2 virus shall not report to or be allowed to remain at the work site until cleared for return to work. Subcontractors shall not allow their known or suspected to be infected with the SARS-CoV-2 virus employees to report to or be allowed to remain at work or on a job site until cleared for return to work.

8. To the extent permitted by law, including HIPAA, employers shall establish a system to receive reports of positive SARS-CoV-2 tests by employees, subcontractors, contract employees, and temporary employees (excluding patients hospitalized on the basis of being known or suspected to be infected with SARS-CoV-2 virus) present at the place of employment within the previous 14 days from the date of positive test, and the employer shall notify:

a. The employer's own employees who may have been exposed, within 24 hours of discovery of the employees possible exposure, while keeping confidential the identity of the known to be infected with SARS-CoV-2 virus person in accordance with the requirements of the Americans with Disabilities Act (ADA) and other applicable

federal and Virginia laws and regulations; and

b. In the same manner as subdivision 8 a of this subsection, other employers whose employees were present at the work site during the same time period; and

c. In the same manner as subdivision 8 a of this subsection, the building or facility owner. The building or facility owner will require all employer tenants to notify the owner of the occurrence of a SARS-CoV-2-positive test for any employees or residents in the building. This notification will allow the owner to take the necessary steps to sanitize the common areas of the building. In addition, the building or facility owner will notify all employer tenants in the building that one or more cases have been discovered and the floor or work area where the case was located. The identity of the

individual will be kept confidential in accordance with the requirements of the Americans with Disabilities Act (ADA) and other applicable federal and Virginia laws and regulations; and

d. The Virginia Department of Health within 24 hours of the discovery of a positive case; and

e. The Virginia Department of Labor and Industry within 24 hours of the discovery of three or more employees present at the place of employment within a 14-day period testing positive for SARS-CoV-2 virus during that 14-day time period.

9. Employers shall ensure employee access to the employee's own SARS-CoV-2 virus and COVID-19 disease related exposure and medical records in accordance with the standard applicable to its industry. Employers in the agriculture, public sector marine terminal, and public sector longshoring industries shall ensure employees access to the employees' own SARS-CoV-2 virus and COVID-19 disease related exposure and medical records in accordance with 16VAC25-90-1910.1020, Access to Employee Exposure and Medical Records.

C. Return to work.

1. The employer shall develop and implement policies and procedures for employees known or suspected to be infected with the SARS-CoV-2 virus to return to work using either a symptom-based or test-based strategy, depending on local healthcare and testing circumstances. While an employer may rely on other reasonable options, a policy that involves consultation with appropriate healthcare professionals concerning when an employee has satisfied the symptoms based strategy requirements in subdivision 1 a of this subsection will constitute compliance with the requirements of this subsection.

a. For known or suspected to be infected with the SARS-CoV-2 virus employees the symptom-based strategy excludes an employee from returning to work until (i) at

least three days (72 hours) have passed since recovery, defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath) and (ii) at least 10 days have passed since symptoms first appeared.

b. The test-based strategy excludes an employee from returning to work until (i) resolution of fever without the use of fever-reducing medications, (ii) improvement in respiratory symptoms (e.g., cough, shortness of breath), and (iii) negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARSCoV-2 RNA from at least two consecutive respiratory specimens collected 24 hours or more apart (total of two negative specimens).

i. If a known or suspected to be infected with the SARS-CoV-2 virus employee refuses to be tested, the employer compliance with subdivision 1 a of this subsection, symptom-based strategy, will be considered in compliance with this standard.

Nothing in this standard shall be construed to prohibit an employer from requiring a known or suspected to be infected with the SARS-CoV-2 virus employee to be tested in accordance with subdivision 1 b of this subsection.

ii. For purposes of this section, COVID-19 testing is considered a "medical examination" under 5 40.1-28 of the Code of Virginia. The employer shall not require the employee to pay for the cost of COVID-19 testing for return to work determinations.

2. The employer shall develop and implement policies and procedures for known to be infected with SARS-CoV-2 asymptomatic employees to return to work using either a time-based or test-based strategy depending on local healthcare and testing circumstances.

While an employer may rely on other reasonable options, a policy that involves

consultation with appropriate healthcare professionals concerning when an employee has satisfied the time based strategy requirements in subdivision 2 a of this subsection will constitute compliance with the requirements of this subsection.

a. The time-based strategy excludes an employee from returning to work until at least 10 days have passed since the date of the employee's first positive COVID-19 diagnostic test assuming the employee has not subsequently developed symptoms since the employee's positive test. If the employee develops symptoms, then the symptom-based or test-based strategy shall be used.

b. The test-based strategy excludes an employee from returning to work until negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive respiratory specimens collected 24 hours or more apart (total of two negative specimens).

i If a known to be infected with SARS-CoV-2 asymptomatic employee refuses to be tested, employer compliance with subdivision 2 a of this subsection, time-based strategy, will be considered in compliance with this standard. Nothing in this standard shall be construed to prohibit an employer from requiring a known to be infected with SARS-CoV-2 asymptomatic employee to be tested in accordance with subdivision 2 b of this subsection.

ii. For purposes of this section, COVID-19 testing is considered a "medical examination" under 5 40.1-28 of the Code of Virginia. The employer shall not require the employee to pay for the cost of COVID-19 testing for return to work determinations.

APPENDIX 2

You may be at a higher risk for COVID-19 if any of the following apply to you:

- 1) People aged 65 years and older;
- 2) People who live in a nursing home or long-term care facility
- 3) People with chronic lung disease or moderate or severe asthma
- 4) People who have serious heart conditions
- 5) People who are immunocompromised
 - i. Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS.

SEE for additional information regarding high risk: https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html?CDC_AA_refVal=%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fpeople-at-increased-risk.html

If you fall into the high-risk category or care for someone who is high risk or are concerned about your ability to serve on a jury at this time, please call the Circuit Court Clerk's office at (434) 432-7889 to discuss your concerns.

At the time you are summoned to report for jury duty, you will be asked some questions about your current health. The following is a list of symptoms of COVID-19:

- i. Anyone can have mild to severe symptoms
 1. Fever or chills
 2. Cough
 3. Shortness of breath or difficulty breathing
 4. Fatigue
 5. Muscle or body aches
 6. Headache
 7. New loss of taste or smell
 8. Sore throat
 9. Congestion or runny nose
 10. Nausea or vomiting
 11. Diarrhea

If you are experiencing any of these symptoms, we ask that you disclose them when you are prescreened on the phone or at the entrance to the Courthouse. Of course, if you are experiencing symptoms at any time, you should consult a healthcare professional. All individuals will be required to wear a face mask and maintain social distancing.