

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
:
Civil Section Cancellations and :
Revised Scheduling Protocols :
*Extended*¹ : DELAWARE COUNTY NO. 5120-17

THIRD EMERGENCY ORDER EXTENSION – CIVIL SECTION


AND NOW, this 27th day of May, 2020, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the liaison judge that the attached civil section cancellations and/or revised scheduling protocols **SHALL** become **EFFECTIVE IMMEDIATELY** and continue through and including **JULY 31, 2020**.³

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.


To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware

County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁴

BY THE COURT:



Kevin F. Kelly
President Judge
Thirty-Second (32nd) Judicial District



¹ See Emergency Order – Civil Section dated March 18, 2020; Emergency Order Extension – Civil Section dated April 7, 2020; and Second Emergency Order Extension dated May 1, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; and Third Emergency Declaration Extension dated May 27, 2020.

³ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q). See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); and May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”).

⁴ See Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; and April 28, 2020, p. 3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

DELAWARE COUNTY COURT OF COMMON PLEAS

CIVIL SECTION EMERGENCY CANCELATIONS AS WELL AS REVISED SCHEDULING AND OPERATIONAL PROTOCOLS, EXTENDED AND AMENDED

PURPOSE

Recognizing that the Supreme Court of Pennsylvania has recently directed, *inter alia*, that the Commonwealth's judicial districts while remaining focused on the discharge of critical court functions must now additionally make best efforts in all other type matters to accomplish the administration of justice, subject to the constraining safety considerations brought about by the ongoing COVID-19 public health crisis,¹ this court in consultation with core systematic stakeholders has developed the below described plan as the first of what is anticipated to be numerous purposefully measured, operational increments realizing the balance between the upmost concern of the judiciary for the safety of the court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally,² while also being mindful of the necessity to once more provide with regularity for the timely the administration of justice.

That directed below as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court without advanced notice and modified to meet the evolving concerns presented by the continuing COVID-19 public health crisis.

GENERAL SAFETY and OPERATIONAL DIRECTIVES

ALL criminal and civil jury trials remain **SUSPENDED** and relatedly jury duty also continues to be **SUSPENDED**, until further notice.³

For **ALL** *in-person* proceedings of any type and regardless of whether the listing also has some advanced communication technology ("ACT") participants, **NO ONE** other than the parties, as well as counsel, will be permitted in the courtroom-hearing room and/or about the interior of the Delaware County courthouse-government center generally, absent a specifically reasoned basis to the contrary, including but not limited to a needed, Administrative Office of Pennsylvania Courts certified interpreter and/or a family member and/or some type of health aid assisting an infirm party and/or witness in navigating his or her way about the courthouse complex, as well as a parent and/or guardian accompanying a juvenile witness/complainant and/or party less than twenty-one (21) years old. Otherwise, **NO** spouses, significant others, family members and/or friends of any party and/or witness will be permitted access to the Delaware County courthouse-

government center until further notice, unless he or she is as well a party to the proceeding and/or a witness.

The Delaware County courts (32nd judicial district) for purposes of ACT on the recommendation of the court IT department utilize Microsoft Teams and/or because of its existing hardware configurations already throughout the systematic structures, including the George W. Hill Correctional Facility, Polycom. The use of other ACT's (E.g. Zoom – Microsoft Teams) may at the discretion of the presiding judge be permitted.

Victims-complainants having a right to be present in court for listings of their criminal case juvenile delinquency matters and/or protection from abuse actions may also attend all such schedulings. The complainant-victim may be accompanied by one (1) person when so appearing *in-person* and as the victim-complainant believes best that individual may be a family member, friend, and/or victim advocacy organization representative. The Delaware County District Attorney's Office must in advance timely notify the Delaware County Park Police through Superintendent Scott D. Mahoney (Ext. 5000) of any victim-complainant intending to attend *in-person* a criminal and/or juvenile delinquency listing, as well as who, if anyone, will then be accompanying that specific victim-complainant. The complainant-victim and the person, if any, accompanying her or him on entering the courthouse are to proceed directly to the assigned courtroom. Likewise, the victim-complainant and any individual accompanying him or her **MUST** immediately on the proceeding's conclusion directly leave and exit the courthouse-government center complex.

Subject to the direction of the presiding judge otherwise, **ALL** witnesses on arriving in the vicinity of the courthouse **MUST** remain waiting in his or her vehicle until contacted by the lawyer or self-represented party calling the person that he or she is now for purposes of testifying to enter the courthouse. On entering the courthouse the witness is to go directly to the assigned courtroom. Every witness immediately on the conclusion of his or her testimonial appearance **MUST** directly leave and exit the courthouse, unless the presiding judge directs to the contrary.

Credentialed members of the media will be allowed to attend any and/or all proceedings and are to arrange in advance for the same through District Court Administrator Gerald C. Montella, Esquire (610 891-4557). (Should the level of press attention in a given matter be of such a nature that permitting all requesting media members *in-person* access be contrary to then applicable public health guidelines (E.g. Social distancing in the courtroom because of the appreciable numbers present not possible), the District Court Administrator in collaboration the interested media will create a pool of representative media members to attend *in-person* the court proceedings.)

Unless the presiding judge directs to the contrary, credentialed press members will still be able to listen to audio recordings of court proceedings at the Office of Court Electronic Recording as arranged through its Director Richard J. Coogan (610 891-4477); however, no more than one (1) media representative may at a given moment be in the Court Electronic Recording Office.

Should a member of the general public want access to a certain court proceeding he or she was currently not permitted to attend *in-person*, arrangements may be made immediately subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing, unless the presiding judge via his or her order directs otherwise, by arranging through its director, Richard J. Coogan (610 891-4477) to listen to the same at the Court Electronic Recording Office to the same.

ALL interested persons should plan to arrive at the courthouse approximately thirty (30) minutes prior to the listing's schedule start to allow sufficient time to work through both the below referenced security and health screening processes. Take note that individuals arriving appreciably earlier than their set time may then be refused entry by the Park Police to prevent unnecessary loitering about the courthouse and/or courtrooms-hearing rooms.

ALL individuals entering the Delaware County courthouse-government complex **MUST** first undergo a COVID-19 health assessment, including but not limited to the taking of temperatures, by the Delaware County Park Police.⁴ Based on the outcome of this Coronavirus screening assessment, the involved Park Police Officer at his or her discretion may prohibit a person from entering the courthouse-county government complex. Park Police personnel will promptly make the presiding judge aware as applicable should an individual based on the health screening not be permitted entry, including but not limited to lawyers, parties and/or witnesses. If a litigant and/or witness refused entry on health considerations cannot identify the judge before whom he or she is to then appear, contact is to be promptly made for such assistance with the Court Administrator's Office (Ext. 4550).

As it relates **SOLELY** to criminal defendants, those declined entry because of the health assessment's results will be asked to remain outside the building and/or another location the Park Officer may direct pending the assigned judge's chambers providing a date for that accused to return and the defendant executing as well as being provided a copy of such a written criminal notice form.

In addition to having successfully undergone the COVID-19 health screening, **ALL** persons entering the courthouse-government center **MUST** otherwise be in **FULL COMPLIANCE** with **ANY** federal and/or state directives then in place to stem the Coronavirus spread, including but not limited to the proper wearing of a recommended mask.

ANY litigant, lawyer, witness and/or other interested party experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **MUST NOT** report as scheduled, but rather **PROMPTLY** notify the assigned or presiding judge's chambers that he or she is suffering from such symptoms. (If unaware of the assigned and/or presiding judge, an interested party should instead contact promptly the Court Administrator's Office – 610 891-4550.)

ANY litigant, lawyer, witness and/or other interested party having been past tested and/or diagnosed by a physician positive for COVID-19 **MUST NOT** report as scheduled, but instead **PROMPTLY** notify **PRIOR TO THE LISTED DATE** the Court Administrative Office of the same (610 891-4550) and follow the directions that office then provides.

ANY litigant, attorney, witness and/or other interested party wanting to appear and participate via some type of ACT in lieu of *in-person* **MUST** notify the assigned and/or presiding judge **no less than three (3) business days prior to the scheduled date** to allow for those necessary arrangements to be made by the Legal Audio Visual Department. The involved judge will for now allow the same subject to applicable constitutional limitations, if any,⁵ or continue the listing to a future date should constitutional concerns dictate such and/or if he or she believes in the exercise of his or her discretion that the nature of the proceeding and individual requesting remote participation would otherwise be contrary to material law and/or occasion a party to suffer actual prejudice. (*E.g.* The inability of the factfinder to visually observe a witness only available to testify aurally by telephone.) Parties represented by a lawyer **MUST** first direct any such concerns about participating via some type of ACT to his or her counsel and witnesses similarly in the first instance are to initially bring these matters to the attention of the attorney subpoenaing his or her appearance these issues and subsequently the court only if the witness and involved counsel cannot make such mutually agreeable arrangements subject to the presiding and/or assigned judge's approval.

In the event a self-represented litigant, lawyer, and/or other interested party does not know the assigned and/or presiding judge to whom a request to appear and participate via some manner of ACT should be submitted, such inquires consistent with the above three (3) business day advanced notification are to be directed to the Court Administrator's Office (610 891-4550).

ALL *in-person* listing days **MUST** be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention Coronavirus guidelines, as well as any other such federal and/or state directives, including but not limited to presently social distancing and/or the wearing of a mask.

ALL courtrooms – hearing rooms utilized for proceedings will on the conclusion of a given day's cases be sanitized, as will those areas of the courthouse commonly used for individuals to get to and from a courtroom – hearing room (*E.g.* Courthouse's public elevators and the stairwell to the second floor).

The judges will provide in advance to the Delaware County Park Police through Superintendent Scott D. Mahoney a list of **ALL** cases scheduled on a given day, including but not limited to the names of any interested parties expected to appear, as well as counsel.

For **ANY AND ALL** evidentiary hearings, the attorneys and/or self-represented parties **MUST** provide the presiding judge with a list naming **ALL** reasonably expected witnesses no later than one (1) full business day prior to any such scheduling. (The presiding judge most certainly may in his or her discretion direct counsel and/or the parties in whatever format he or she believes

best for such a witness list to be submitted (*E.g.* As part of a pre-trial statement) and/or instruct that the same be sent by a sooner date.) Chambers of the presiding judge will promptly forward to the Delaware County Park Police through Superintendent Scott D. Mahoney copies of **ALL** received witness lists.

Each section and/or division of the court will coordinate among those judges sitting on a given date start times staggered by at least thirty (30) minutes.

As is more fully described below, **ALL** *in-person* matters must be set for a specific hour or alternatively, that the number of interested parties, including counsel, present in a courtroom during a certain hour is no more than ten (10).

Court officers assigned to the entry door of every operational courtroom – hearing room will be tasked subject to any such specific directives of the presiding judge with the general responsibility of managing in accord with this protocol the number of people at any given moment permitted in a particular courtroom – hearing room to allow for any required social distancing. As may be necessary to assure compliance with that salient to such considerations this protocol details, court officers may temporarily prohibit entry into a courtroom – hearing room and rather direct counsel, any interested parties and/or witnesses to remain in the outer waiting area or that unused courtroom and/or another area of the courthouse complex (*E.g.* jury assembly room) then designated for overflow purposes by the District Court Administrator.

Should a court officer observe any interested party, a lawyer and/or witness in a courtroom not observing social distancing, failing to wear a mask, and/or not following any other of the various governmental guidelines and/or that which this protocol directs, the same must be promptly reported to the presiding judge and if such personnel are present in the courtroom – hearing room, deputy sheriffs, and/or park officers.

Should a court officer observe an interested party, lawyer and/or a witness outside of a courtroom – hearing room failing to comply with salient governmental directives, including but not limited to social distancing and/or the wearing of a mask, he or she must promptly report the same to the Delaware County Park Police (Ext. 5000), as well as the judge presiding over the matter involving that party, attorney and/or witness, and if in proximity, any deputy sheriff.

The continued failure and/or refusal of an interested party, counsel and/or a witness to follow the governmental directives material to stemming the COVID-19 spread may, *inter alia*, result in any such individual's immediate removal from the courthouse-governmental complex by sworn personnel of the Delaware County Park Police and/or Delaware County Sheriff's Office. In the event a person for noncompliance with these safety measures is removed from the courthouse complex, involved law enforcement are to promptly notify the judge presiding over the matter involving that party, lawyer and/or witness of the removal.

CIVIL SECTION

The four (4) judge civil section has been temporarily structured into two (2) subgroups as follows: Judges Dozor and Whelan; and Judges Angelos and Eckel. **BOTH** judges of each team during a given week will generally have for their respective use courtrooms available with the second team of judges sitting the next week. Hence, on any day of a week no more than two (2) civil judges will be simultaneously in session, unless there is some emergent need for another such courtroom to then be operational sanctioned by the president judge or civil liaison.

On those alternating weeks they will be sitting, Judge Dozor will utilize courtroom No. seven (7) while Judge Whelan will be in courtroom No. eight (8). For those every other weeks they are listed to sit, Judge Angelos will use courtroom No. seven (7) and Judge Eckel courtroom No. eight (8).

Attached and wholly incorporated by reference is an *interim*, civil section master calendar detailing, *inter alia*, through June and July 2020 the specific two (2), civil judges sitting weekly. For reasons such as vacations, the appended, *temporary* civil section master calendar is subject to change with the judges on one (1) judicial team exchanging, in whole or part, the otherwise assigned courtroom weeks.

To maximize the use of the two (2), operational civil courts, a judge listed to sit in a certain week will promptly notify the other team's two (2) judges of any one-half (1/2) or greater day when he or she does not need the courtroom so as a colleague judge believes appropriate he or she may then list his or her case(s).

Any judge assuming a court week, in whole or part, of another jurist **MUST** without exception sit in the courtroom of the originally assigned judge because of the first-floor courtrooms being scheduled on a rotational basis each week among both the civil and family sections.

Consistent with this judicial district's (32nd) individual calendaring system, each civil judge will be responsible for scheduling his or her assigned cases as he or she believes appropriate, along with providing all interested parties timely notice of the same.

On **ANY** day the judicial civil teams have *in-person* schedulings, the two (2) judges then sitting will have start times staggered by at least thirty (30) minutes (*E.g.* Judge Whelan begins at 9:00 a.m. and Judge Dozor starts no earlier than 9:30 a.m.). Beyond these staggered commencement times regarding each judge sitting on a certain day, there is for now a limit of no more than ten (10) interested parties (*I.e.* litigants, and/or counsel) permitted *in-person* attendance per a given civil courtroom.

There will for now be no *in-person* appearances involving inmates of any county, state, and/or federal penal facility before the civil courts, but rather **ALL** listings where a party and/or witness is for whatever the reasons incarcerated any such person will participate through some

ACT means, assuming the prisoner party's agreement.⁶ **ALL** inmate witnesses **MUST** for now appear by ACT. **ANY** prisoner of a county, state, and/or federal correctional institution being a named party and wanting to proceed with an *in-person* listing will have his or her matter continued for at least thirty (30) days with the hope the currently ongoing public health crisis, particularly relative to those attendant concerns enveloping southeastern Pennsylvania, including but not limited to Delaware County, would have then sufficiently abated to safely allow for the prisoner's custodial transportation and related *in-person* appearance before the court.⁷

Various hearings as the assigned civil judge believes appropriate will once more be scheduled, including but not limited to arguments, contested pre-trial evidentiary hearings and/or non-jury trials. **ALL** these listings for now will be just those cases reasonably expected to conclude within at most a few days. Such schedulings, including but not limited to contested evidentiary matters, may be conducted as the designated judge believes proper through some manner of ACT, *in-person* and/or such a combination. (E.g. A witness appearing via video conferencing while the lawyers are *in-person* before the presiding judge.)

Civil miscellaneous lists will proceed per the attached *interim*, civil master calendar on the following dates: June 23, 2020; July 7, 2020; and July 21, 2020. Having overall staggered start times, each of these civil miscellaneous lists will be divided among at least two (2) judges with each of the sitting jurists then having no more than three (3) to four (4) cases listed by a specific hour and a one half (1/2) day aggregate cap of ten (10) such cases. It is expected based on past experiences with the civil miscellaneous lists that the for the presiding judges a morning and afternoon session will be planned subject to the per hour case scheduling directives and the ten (10) *in-person* courtroom attendance limitation.

There is by a recent emergency order of the president judge no sheriff real estate sales listed in June 2020,⁸ and as the appended civil section master calendar references, a sheriff real estate sale is for now still set on July 17, 2020.

ALL such emergency filings from the present through July 31, 2020, will consistent with existing administrative protocols be assigned to a civil section judge on a rotational basis as directed by the civil liaison. The designated civil jurist on a review of any such emergent pleading will schedule those next proceedings as he or she believes to be appropriate. If the reviewing judge determines the salient circumstances are such that an emergent hearing should be held, those proceedings to the extent possible may at that court's discretion be conducted via advanced communication technology (ACT), subject to applicable constitutional restrictions, if any, particularly if the involved judge is not listed to sit that week.⁹ In the event the presiding judge determines an *in-person*, emergency hearing must be conducted, the listing of the same is to be coordinated through both the civil liaison judge and District Court Administrator to assure there is staggered scheduling allowing for as best as possible about that area of the courthouse and the specific courtroom currently recommended "social distancing," as well as the following of **ALL** other federal and/or state governmental guidance about countering the COVID-19 virus spread, including but not limited to currently the wearing a mask and/or prompt surface area disinfecting subsequent.¹⁰

Assigned and/or otherwise presiding civil judges may schedule as believed appropriate pretrial – case management conferences. **ANY** pretrial – case management conferences listed on a day a judge is not scheduled and/or otherwise has access to one (1) of the two (2) operational civil courtrooms **MUST** be held with all parties, including but not limited to counsel and/or self-represented individuals, participating via some manner of ACT, which as the presiding judge believes appropriate may be of-record. **ALL** pretrial – case management conferences with *in-person* participants and/or some combination of ACT and *in-person* appearances are to be set in court for those dates per the attached sectional, *interim* calendar the assigned and/or judge presiding otherwise is then listed to sit in one (1) of the two (2) operational civil courtrooms.

The assigned judge where he or she believes is appropriate and proper as part of pretrial conferences and/or otherwise will encourage the litigants through the lawyers to participate in binding arbitration with such mediation costs shared as the parties may agree. The designated judge may relatedly as she or he feels is warranted refer matters for conciliator mediation conferences to the Honorable Charles B. Burr, II (retired) per that further detailed below, and/or the Delaware County Bar Association’s mediation program.

ALL cases currently and subsequently referred for conciliator mediation conferences before the Honorable Charles B. Burr, II (retired) will be listed and/or rescheduled consistent with retired Judge Burr’s calendar and the material, past emergency orders.¹¹ These conciliation conferences at retired Judge Burr’s discretion may be held through available ACT’s, *in-person*, and/or some ACT and *in-person* combination. Should retired Judge Burr decide to hold mediation conferences, in whole or in part, *in-person*, there must be staggered schedulings of the same and arrangements made through the Court Administrator’s Office to secure an appropriate location as necessary to assuring compliance with **ALL** federal and/or state directives about stemming COVID-19 spread, including but not limited to sufficient distancing among the participants, if such cannot be realized in the retired jurist’s office suite.

ALL parties whether *pro se* or represented by an attorney **MUST** meaningfully engage in good faith discovery consistent with **ANY AND ALL** such salient trial court orders and/or directives, including but not limited to depositions conducted to the extent practicable via some manner of available advanced communication technology (ACT), subject to applicable constitutional limitations, if any.¹²

“To the degree necessary, attorneys should counsel their clients that the public health emergency can in no way be used to secure strategic advantage in litigation, including by means of dilatory conduct[,]” particularly relative to the timely exchange of **ANY AND ALL** discoverable materials, whether the same is required by an applicable procedural rule, mandated by a relevant trial court order, compelled by some other legal authority, and/or expected by the lawyers’ agreement.¹³

Counsel and **ALL** other interested parties are be reminded that Delaware County’s civil, nonfamily, e-filing system remains operational and allows, *inter alia*, for the lodging and docketing of wide ranging pleadings as further detailed by Delaware County Local Rule 205.4¹⁴ related to electronic filing and service of legal papers.

¹ See Order dated April 28, 2020, p. 2 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

² See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³ See Order dated April 28, 2020, p. 9 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q). (This court under a separate emergency order of May 27, 2020, extended the cancelation of civil and criminal trials from that date (May 27, 2020) through and including July 31, 2020. See Emergency Jury Trial Cancelation Order dated March 18, 2020, and Emergency Jury Trial Cancellations Extension Order dated April 2, 2020; and Emergency Jury Trial Cancellations Order dated April 28, 2020.)

⁴ Although more specific to whether an employee will be permitted into the courthouse-government complex, the attached Chester County Health Department workforce screening materials provide at least a general overview of the assessment process the Delaware County Park Police will employ for ALL individuals attempting to enter the county courthouse-government center.

⁵ See Orders March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

⁶ See *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 – “Infections greater at Delco jail – Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.”

⁷ See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(d)(h)(k)(q). See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); and May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”).

⁸ See Emergency Sheriff Sales Postponement Order dated May 27, 2020.

⁹ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Attached *Interim Civil Calendar*.

¹⁰ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

¹¹ See Emergency Orders – Civil Section dated March 18, 2020; Emergency Extension – Civil Section dated April 7, 2020; and Second Emergency Extension – Civil Section dated May 1, 2020.

¹² See Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

¹³ See Order dated April 28, 2020, p. 10 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

¹⁴ A copy of Delaware County Local Rule 205.4 is attached and wholly incorporated by reference.



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Purpose: This guide has been developed to support the screening of **essential employees** to assess need to self-isolate and work remotely. Non-essential employees are encouraged to work remotely, until further notice.

Procedure:

1. **Assess Current Symptoms upon arrival:**

- Take temperature with temporal or forehead touchless thermometer
- Are you taking any medication to treat or suppress a fever? Yes/No
- Are you currently experiencing any of the following symptoms?

Column A	Column B
1 or more symptoms	2 or more symptoms
Fever (99.5°F or higher ¹)	Lack of smell or taste (without congestion)
Cough	Sore throat
Shortness of breath	Chills
Difficulty breathing	Muscle pain
	Headache

"Has Symptoms" is defined as having 1 or more symptom(s) in Column A
OR 2 or more symptoms in Column B
OR Yes to medication to suppress a fever.

2. **Provide Guidance (Table 1):**

Status	Employer Recommendation	Guidance for Essential Employee
No Symptoms	Symptom and temperature check daily upon arrival	<ol style="list-style-type: none"> 1. Employee self-monitor for symptoms. 2. Wear a face mask at all times. 3. Practice social distancing in the work-place and do not congregate in common areas. 4. Go home immediately if they become sick. 5. Do not share headsets or objects used near face.
Has Symptoms	Self-Isolate at home	<ol style="list-style-type: none"> 1. Notify supervisor. 2. Remain home and self-isolate until "COVID-19 Return to Work Guidance" is met.
Positive Test Result	Self-isolate at home	<ol style="list-style-type: none"> 1. Notify supervisor. 2. Follow the "COVID-19 Positive Test Result or Exposure" guidance. 3. Remain home and self-isolate until "COVID-19 Return to Work Guidance" is met.

¹ Taken with temporal thermometer



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

COVID-19 Exposure or Positive Test Result:

To ensure continuity of operations of essential functions, the Centers for Disease Control (CDC) advises that essential employees and healthcare personnel may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions listed in Table 1 are implemented to protect them and the community.

Individuals are notified by their physician or the Health Department about test results for COVID-19. If an employee receives a positive test result for COVID-19, employee should remain at home in isolation until *COVID-19 Return to Work Guidance* is met.

Test results would include the following:

- Detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test
 - Individuals should follow the guidance in Table 1 and "Instructions for Individuals Tested for COVID-19" (*see below*).
- Detection of specific antigen in a clinical specimen
 - Individuals should follow the guidance in Table 1 and "Instructions for Individuals Tested for COVID-19" (*see below*).
- Detection of IGM antibody in serum, plasma, or whole blood indicative of a new or recent infection
 - Individuals should follow the guidance in Table 1 and "Testing for COVID-19 Antibodies" (*see below*).

Note: If an individual is asymptomatic or has very mild symptoms, they will not be tested. Individuals are encouraged to follow the self-monitoring and quarantine guidance and call their primary care physician if symptoms worsen.

If an employee tests positive for COVID-19, the building does not need to be evacuated. An employer may choose to voluntarily close to perform a deep cleaning out of an abundance of caution (see "Cleaning and Hygiene" button at www.chesco.org/coronavirus).



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Temperature Assessment:

The temperature considered a fever differs based on how temperature is taken.

Mode	Temperature for fever
Walk through scanner	97.5°F or higher
Axillary and temporal	99.5°F or higher
Oral	100.0°F or higher

COVID-19 Return to Work Guidance:

Essential employees may discontinue home isolation and return to work under the following conditions:

- At least 3 days (72 hours) have passed since your fever went away without the use of fever-reducing medication .
- **AND** improvement in respiratory symptoms (e.g., cough, shortness of breath)
- **AND** At least 7 days have passed since symptoms first appeared.

Essential employees and healthcare personnel (HCP) with symptoms under home isolation **MUST** be excluded from work until:

- At least 3 days (72 hours) have passed since your fever went away without the use of fever-reducing medication
- **AND** improvement in respiratory symptoms (e.g., cough, shortness of breath)
- **AND** at least 7 days have passed since symptoms first appeared.

After returning to work, essential employees and HCP should:

- Wear a facemask at all times while at work until all symptoms are completely resolved or until 14 days after illness onset, whichever is longer.
- Be restricted from contact with severely immunocompromised individuals/patients (e.g., transplant, hematology-oncology) until 14 days after illness onset.
- Adhere to hand hygiene, respiratory hygiene, and cough etiquette (e.g., cover nose and mouth when coughing or sneezing, dispose of tissues in waste receptacles).
- Self-monitor for symptoms. Seek immediate re-evaluation from occupational health/primary care provider and do not work if symptoms recur or worsen.



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Screening Procedure

Everyone entering a County building must complete screening, staff and visitors. The screening tool will assess potential symptoms and provide guidance to "GO" or "STOP" as shown below.

Step 1: Individuals entering the building should use the camera feature on their smart phone to scan the posted QR code and fill in the survey questions.

Note: if individuals do not have a phone, security staff should access the survey on a designated laptop or device to ask the question verbally and complete the screening assessment.

Step 2: Complete temperature screening of individual and tell person whether they have a fever based on temperature cutoffs:

Mode	Temperature for fever
Walk through scanner	98°F or higher
Axillary and temporal	99.5°F or higher

Step 3: Submit survey and receive "GO" or "STOP" guidance.

If GO: Show to security and continue into building

If STOP: Leave the building, return to car. Employees must call HR to notify them and receive additional instructions, prior to leaving.




Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020



CORONAVIRUS COVID-19

CHESTER COUNTY HEALTH DEPARTMENT

BE INFORMED

LEARN THE FACTS, SHARE THE FACTS, STOP THE FEAR

INSTRUCTIONS FOR INDIVIDUALS TESTED FOR COVID-19

Note: This guidance is not for antibody or serology testing.

TEST RESULTS

Contact the physician who ordered the test for results.

Do not call the Health Department for your results.

Results are typically available within 7 days of testing, but may be delayed at times depending on testing volume and the laboratory used.

WHILE YOU WAIT FOR YOUR RESULTS



Self-isolate to your home.



Others who live in your home should also stay home.



If you live with others, self-isolate in a private room and use a separate bathroom, if possible.



Wear a mask when you enter general living areas.



If your symptoms worsen, call your healthcare provider.



Make a list of close contacts - within 6 feet for more than 10 minutes - you have from two days before you became sick until you began self-isolating.

WHAT TO DO IF YOU TEST POSITIVE

✓ Notify your close contacts and let them know to quarantine at home for 14 days.

✓ If your symptoms worsen or you require hospitalization, notify your healthcare provider immediately.

✓ Continue to self-isolate at home until you have recovered:



72 HOURS
NO Fever
without medicine



Other
Symptoms
have improved



7 DAYS
since
Symptoms began

WHAT TO DO IF YOU TEST NEGATIVE

✓ If you had a known exposure to someone with COVID-19, continue to quarantine for 14 days after your exposure.

✓ If you did not have a known exposure to someone with COVID-19 and do not have symptoms, you can stop your quarantine.

✓ If you did not have a known exposure to someone with COVID-19 and have symptoms, you may have another illness. Stay home until 3 days after your last day of your symptoms.

For more information visit:

Chester County Health Department

www.chesco.org/coronavirus

**INTERIM CIVIL CALENDAR
2020**

June

	M	T	W	T	F	M	T	W	T	F
	1	2	3	4	5	8	9	10	11	12
Liaison Judge Dozor	TR	X	TR	TR	TR	O	O	O	O	O
Judge Angelos	O	X	O	O	O	TR	TR	TR	TR	TR
Judge Whelan	TR	X	TR	TR	TR	O	O	O	O	O
Judge Eckel	O	X	O	O	O	TR	TR	TR	TR	TR

O = Office TR = Non-Jury Trials & Hearings MJ = Motion Hearing List Day SS = Sheriff Sale

**INTERIM CIVIL CALENDAR
2020**

June

	M	T	W	T	F	M	T	W	T	F
	15	16	17	18	19	22	23	24	25	26
Liaison Judge Dozor	TR	TR	TR	TR	TR/SS	O	O	O	O	O
Judge Angelos	O	O	O	O	O	TR	MJ	TR	TR	TR
Judge Whelah	TR	TR	TR	TR	TR/SS	O	O	O	O	O
Judge Eckel	O	O	O	O	O	TR	MJ	TR	TR	TR

O = Office TR = Non-Jury Trials & Hearings MJ = Motion Hearing List Day SS = Sheriff Sale

**INTERIM CIVIL CALENDAR
2020**

June/July

	M	T	W	T	F	M	T	W	T	F
	29	30	1	2	3	6	7	8	9	10
Liaison Judge Dozor	TR	TR	TR	TR	X	O	O	O	O	O
Judge Angelos	O	O	O	O	X	TR	MJ	TR	TR	TR
Judge Whelan	TR	TR	TR	TR	X	O	O	O	O	O
Judge Eckel	O	O	O	O	X	TR	MJ	TR	TR	TR

O = Office TR = Non-Jury Trials & Hearings MJ = Motion Hearing List Day SS = Sheriff Sale

INTERIM CIVIL CALENDAR
2020

July

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31
Liaison Judge Dozor	TR	TR	TR	TR	TR/SS	O	O	O	O	O	TR	TR	TR	TR	TR
Judge Angelos	O	O	O	O	O	TR	MJ	TR	TR	TR	O	O	O	O	O
Judge Whelan	TR	TR	TR	TR	TR/SS	O	O	O	O	O	TR	TR	TR	TR	TR
Judge Eckel	O	O	O	O	O	TR	MJ	TR	TR	TR	O	O	O	O	O

O = Office TR = Non-Jury Trials & Hearings MJ = Motion Hearing List Day SS = Sheriff Sale