

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : **PA SUPREME COURT NO. 30 MM 2020**
:
Criminal Section Cancellations and :
Revised Scheduling Protocols¹ : **DELAWARE COUNTY NO. 5120-17**

THIRD EMERGENCY ORDER EXTENSION – CRIMINAL SECTION, AS AMENDED²

AND NOW, this 18th day of December, 2020, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency and recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,³ 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 criminal section directives of October 20, 2020,⁴ **SHALL** become **AMENDED** to reflect that **EFFECTIVE DECEMBER 21, 2020**, through and including **DECEMBER 31, 2020**,⁵ matters heard before the criminal trial court will be those of just critically essential case processings, including but not limited to bail pleadings, bench warrant revocation applications, requests to lift detainers, Pa.R.Crim.P. 150 listings, *habeas* petitions, and/or any other criminal lodgings alleged to be emergent, with all such incarcerated defendants appearing through some available advanced communication technology (“ACT”) means and as the attached protocol more further details.⁶

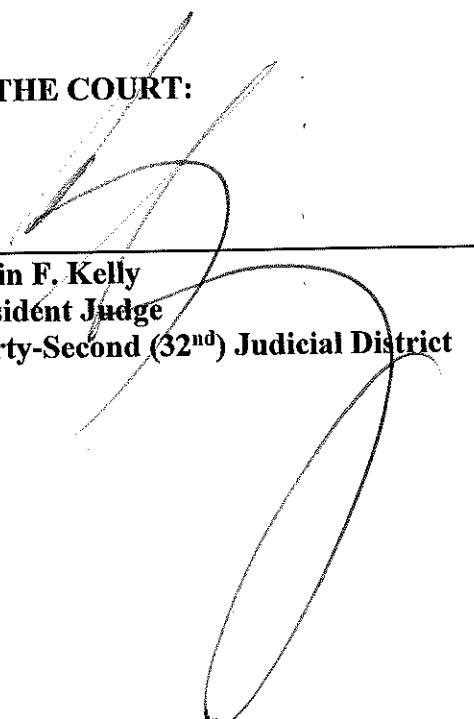
Unless this court in the interim directs otherwise, the criminal section’s operations **SHALL RESUME** consistent with and as is more further detailed by the sectional protocols dated October 20, 2020,⁷ including to but not limited to six (6) criminal judges sitting in a given

week per that which the applicable master calendar of the section describes and then, *inter alia*, hearing a defined number of *in-person* matters.

That ordered 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).⁸

BY THE COURT:



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

¹ See Emergency Order – Criminal Section dated May 27, 2020; Emergency Order – Criminal Section, *as Amended*, dated June 5, 2020; Emergency Order – Criminal Section, *as Amended*, dated June 30, 2020; Emergency Order – Criminal Section, *as Amended*, dated July 8, 2020; Second Emergency Order Extension – Criminal Section dated July 24, 2020; and Third Emergency Order Extension – Criminal Section dated October 20, 2020.

² *The amendments adopted by this order detail the criminal section for a two (2) week period (December 21, 2020, and December 28, 2020) limiting its operations to just critical case matter processing, including but not limited to bail filings, bench warrant revocation applications, Pa.C.Crim.P. 150 listings, habeas petitions, and/or alleged emergency criminal lodgings, with inmate defendants appearing solely through an advanced communication technologies (“ACT”) means. Relatedly, there will during this two (2) week hiatus (December 21, 2020, and December 28, 2020) be NO in-person criminal trial court proceedings, absent compelling circumstances to the contrary and as approved by the president judge and/or criminal liaison. See Criminal Section Emergency Cancellations and Revised Scheduling Protocols dated December 18, 2020, pp. six (6) (A copy of this amended protocol (December 18, 2020) is attached and wholly by reference incorporated. These changes to the immediate past criminal section directive (October 20, 2020) begin on page six (6) of the appended, updated protocol (December 18, 2020) and all these amendments for ease of reference are throughout underlined.)*

³ See Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; and May 27, 2020, pp. 1-3 - 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; Third Emergency Declaration Extension dated May 27, 2020; Fourth Emergency Declaration Extension dated July 8, 2020; and Fifth Emergency Declaration Extension dated October 20, 2020. See also Pa.R.J.A. No. 1952 (B)(1)(2).

⁴ See Criminal Section Emergency Cancellations and Revised Scheduling Protocols and Third Emergency Order – Criminal Section dated October 20, 2020.

⁵ 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.”); 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”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest one-day increase since June 5... . Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020, Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday - an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“... Pennsylvania Health Secretary ... cited ... Delaware County as [an] area[.] in the state with high community spread of the coronavirus. Delaware County’s per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ...”); October 7, 2020, Section A, 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring. Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in

Pennsylvania”); October 8, 2020, Section A, p. 9 (“... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days Delaware [C]ount[y] [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic's first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... Count[y] ... [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania's fall coronavirus surge has surpassed the state's April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania's average daily number of new cases rose above 2,000 for the first time during the pandemic,”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert's fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unprecedented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic's eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County's hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak”); November 16, 2020, Section B, pp. 1, 5 (“Pennsylvania's daily average has increased every day since mid-October, but in November the number has soared.”); November 17, 2020, Section A, pp. 1, (“With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... . The statewide positivity rate has increased to 9.6% from 6.8%”); November 18, 2020, Section A, pp. 1, 6 (“Pennsylvania's top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area.”); November 20, 2020, Section A, pp. 1, 10 (“... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.”); December 4, 2020, Section A, p. 1 (“Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than a 11,000 new infections All but eight of Delaware County's ICU beds were filled, state data showed.”); December 10, 2020, Section A, pp. 1, 6 (“Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, Pennsylvania's seven-day average of new cases per date neared 10,000 on Wednesday”); December 11, 2020, Section A, pp. 1, 6 (“Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail

occupancy limits, and sharply reduce the number of people allowed to gather in one place The new restrictions come at a point when the state's daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days,"); and December 16, 2020, Section A, pp. 1, 14 (" ... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. ... Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases."). *See also* Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(g)(h)(i)(j)(k)(q).

⁶ These additions to the immediate previous criminal section operational directives (October 20, 2020) begin on page six (6) of the appended protocol (December 18, 2020) and all such amendments for eases of reference all throughout underlined. *See* Criminal Section Emergency Cancellations and Revised Scheduling Protocols dated December 18, 2020. *See also* Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(g)(h)(i)(j)(k)(q).

⁷ *See* Criminal Section Emergency Cancellations and Revised Scheduling Protocols and Third Emergency Order – Criminal Section dated October 20, 2020.

⁸ *See* Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; April 28, 2020, p. 3; and May 27, 2020 p. 2, Fn. 1 - Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

DELAWARE COUNTY COURT OF COMMON PLEAS

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

PURPOSE

Recognizing that the Supreme Court of Pennsylvania has directed, *inter alia*, that the Commonwealth's judicial districts while remaining focused on the discharge of critical court functions must now additionally make constant best efforts in all other type matters to accomplish a more full-scale processing of cases, 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 and implemented the below described plan as the continuation of what is yet 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 the timely 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 coronavirus public health crisis.

GENERAL SAFETY and OPERATIONAL DIRECTIVES

ALL civil and criminal jury trials remain **SUSPENDED** and relatedly jury duty also continues to be **POSTPONED**, until further notice.³ The District Court Administrator will in concert with other salient court personnel (*E.g.* court electronic recording and/or jury assembly), as well as material county officials (*E.g.* facilities management and/or IT), continue working to finalize a plan for jury trial resumption.

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 and/or witnesses, 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 county's 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) 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 via email at ParkPoliceDailyCourtList@co.delaware.pa.us of any victim-complainant intending to attend *in-person* a criminal, juvenile delinquency and/or PFA – indirect contempt listing, as well as who, if anyone, will then be escorting 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 escorting 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 press will create a pool of representative media members to attend *in-person* the court proceedings.)

Unless the presiding judge and/or another judicial officer 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). 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 and/or another judicial authority via his or her order directs otherwise, by arranging through its director, Richard J. Coogan (610 891-4477), to listen 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 for documented medical cause (*E.g.* stemming from an underlining medical condition, one is more vulnerable to the impact of COVID-19 and has been directed by a treating physician to avoid public settings) 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, if reasonably possible. These applications will for now be otherwise allowed subject to applicable constitutional limitations, if any,⁵ or the listing continued to a future date should constitutional concerns dictate such and/or should the involved judge believe in the exercise of his or her discretion that the nature of the proceeding and/or 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.) A party 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 issues to the attention of the attorney subpoenaing his or her appearance and subsequently the court only if the witness and involved counsel cannot make such mutually agreeable arrangements as the presiding and/or assigned judge may approve, and subject to that which the Legal Audio Visual Department can timely and reasonably arrange.

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, state and/or county public health directives, including but not limited to presently social distancing and/or the proper wearing of an appropriate 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 forward 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. Such information is to be timely forwarded by email as follows: ParkPoliceDailyCourtList@co.delaware.pa.us.

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.) The 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 via email, ParkPoliceDailyCourtList@co.delaware.pa.us.

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

As is more fully detailed 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 sixteen (16). The presiding judge may as he or she believes necessary to assure required social distancing and/or compliance with any other governmental directive designed to stem the coronavirus spread may further limit the number of persons permitted at a given time in the courtroom.

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 and/or unused courtroom) 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 Police 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.

CRIMINAL SECTION

EFFECTIVE DECEMBER 21, 2020, THROUGH AND INCLUDING DECEMBER 31, 2020, the operations of the criminal section SHALL be LIMITED to ONLY essential and critical case matters processing, including but not limited to bail pleadings, bench warrant revocation applications, requests to rescind detainers, Pa.R.Crim.P. 150 listings, habeas petitions, and/or any other criminal lodging alleged to be an emergency, with ALL such inmate defendants appearing and participating for purposes of these hearings via some available advanced communication technologies ("ACT").

The office of the criminal court administrator on its receipt of these critical pleadings (E.g. bail pleadings, bench warrant revocation applications, requests to rescind detainers, Pa.R.Crim.P. 150 listings, habeas petitions and/or any other criminal lodging alleged to be emergent) SHALL promptly forward the same to the criminal liaison's chambers. The liaison will timely craft lists of these filings as he believes reasonably appropriate and then arrange for a number of criminal judges as he believes necessary to hear the same from among those six (6) jurists otherwise scheduled per the section's master calendar to sit the weeks of December 21, 2020, and/or December 28, 2020. (It is expected from similar past experiences that on any given day two (2) and most likely certainly no more than three (3) judges will be needed to sit for at best a couple hours to fully address all then such scheduled cases.)

As soon as the criminal liaison judge has drafted these hearing lists, copies of the same are to promptly be provided by his chambers personnel to the following offices and/or agencies: District Attorney's Office; Public Defender's Office; Office of Adult Probation and Parole; Office of Pretrial Services and Bail; Legal Audio Visual Department; Delaware County Sheriff's Office; Office of Judicial Support; and the George W. Hill Facility through Assistant Facility Administrator James F. Mattera, Jr., Esquire. Likewise, prompt notice of these schedulings SHALL as applicable be afforded to of-record private counsel.

In addition to timely forwarding all these essential and critical case matter filings (E.g. bail pleadings, bench warrant revocation applications, requests to rescind detainers, Pa.R.Crim.P. 150 listings, habeas petitions and/or any other criminal lodging alleged to be an emergency) to the criminal liaison's chambers, the criminal court administration office SHALL contemporaneous forward copies of any bail pleadings to the Delaware County Pretrial Services and Bail, as well similarly simultaneously send to the Office of Adult Probation and Parole all motions and/or petitions seeking the rescinding of violation of probation-parole detainers and/or the revocation of any past issued probation – parole violation bench warrants.

Pa.R.Crim.P. 150 hearing lists will proceed as presently scheduled on the following dates: December 21, 2020; December 23, 2020; December 28, 2020; and December 30, 2020. The liaison will arrange from among those six (6) jurists otherwise scheduled to sit the weeks of December 21, 2020,

and/or December 28, 2020, to cover all these Rule 150 lists (December 21, 2020; December 23, 2020; December 28, 2020; and December 30, 2020).

For the weeks of December 21, 2020, and December 18, 2020, there will be no custodial transportation of prisoners from any penal facilities.

There will for the weeks of December 21, 2020, and December 28, 2020, be **NO in-person** criminal trial court proceedings, absent compelling circumstances to the contrary and as approved by the president judge and/or criminal liaison.

The criminal court administrator's office **SHALL** reschedule **ALL in-person** formal arraignments past set for December 23, 2020, (For the week of December 28, 2020, there is no formal arraignment list scheduled.), relisting all such matters for subsequent formal arraignment dates while affording all accuses and/or of-record lawyers regarding the same at least two (2) weeks advanced notice.

The criminal court administrator will **CONTINUE** to accept and process in accord with that office's salient such protocols and/or applicable local rules written waivers of arraignment proffered by counsel on behalf of his or her clients.⁶ (**ALL** attorneys are strongly encouraged to timely and meaningfully discuss with each and every client a possible waiver of his or her formal arraignment, along with the obvious related safety benefits in this yet ongoing public health crisis of not having to appear for such purposes *in-person* at some future date.)

The criminal court administrator's office **SHALL CONTINUE** to conduct on December 23, 2020, (Again, there is for the week of December 28, 2020, no formal arraignment list scheduled.), the weekly video conferencing formal arraignments of those defendants incarcerated consistent with that office's material protocols and/or any such applicable local rules.⁷

Those technical Gagnon II lists set for such proceedings during the weeks of December 21, 2020, and/or December 28, 2020, before Hearing Officer Jennifer M. Ganley, Esquire **SHALL** be rescheduled by the Delaware County Office of Adult Probation and Parole and relisted as part of those subsequent such hearing officer lists dates.⁸

The Gagnon I lists already set before the hearing officer will proceed as scheduled during the weeks of December 21, 2020, and December 28, 2020, recognizing all these matters are conducted with just incarcerated defendants appearing via some manner of available advanced communication technologies ("ACT") and that in a notable number of instances the resultant Gagnon I recommendation is that of a defendant's release from custody.

¹ See Orders dated April 28, 2020, p. 2; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. 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.”); 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”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports s biggest one-day increase since June 5... . Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100 ,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2002, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County's seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020 Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a clay on June 27 to 78.3 new cases a day on Tuesday - an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“ ... Pennsylvania Health Secretary ... cited ... Delaware Count[y] as [an] area[] in the state with high community spread of the coronavirus. Delaware County’s per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“ ... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region.”); October 7, 2020, Section A, 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the encl of spring Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania”); October 8, 2020, Section A, p. 9 (“ ... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a clay over the last seven days Delaware [C]ount[y] [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic's first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... Count[y] ... [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania's fall coronavirus surge has surpassed the state's April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania's average daily number of new cases rose above 2,000 for the first time during the pandemic,”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert's fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unrepresented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic's eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County’s hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak”); November 16, 2020, Section B, pp. 1, 5 (“Pennsylvania’s daily average has increased every day since mid-October, but in November the number has soared.”); November 17, 2020, Section A, pp. 1, (“With nearly 10,000 new infections reported in

Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... . The statewide positivity rate has increased to 9.6% from 6.8%"); November 18, 2020, Section A, pp. 1, 6 ("Pennsylvania's top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area."); November 20, 2020, Section A, pp. 1, 10 ("... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day 'The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.' "); December 4, 2020, Section A, p. 1 ("Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than a 11,000 new infections All but eight of Delaware County's ICU beds were filled, state data showed."); December 10, 2020, Section A, pp. 1, 6 ("Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, Pennsylvania's seven-day average of new cases per date neared 10,000 on Wednesday"); December 11, 2020, Section A, pp. 1, 6 ("Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place The new restrictions come at a point when the state's daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days,"); and December 16, 2020, Section A, pp. 1, 14 ("... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases.").

² See Orders dated April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³ See Orders dated April 28, 2020, p. 9; and May 27, 2020, pp. 1-3 – 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, *inter alia*, under separate emergency orders of May 27, 2020, and as continued through subsequent amended and additional emergent orders for both the civil and criminal sections had extended the cancelation of jury trials and relatedly jury duty until at least July 31, 2020. See Emergency Order – Criminal Section dated May 27, 2020; Third Emergency Order Extension – Civil Section dated May 27, 2020; Third Emergency Order Extension – Civil Section, *as Amended*, dated June 22, 2020; Emergency Order – Criminal Section, *as Amended*, dated June 30, 2020; Emergency Order – Criminal Section, *as Amended*, dated July 8, 2020; Fifth Emergency Order Extension – Civil Section, *as Amended* dated October 27, 2020; and Second Emergency Order Extension – Criminal Section dated July 24, 2020. The current criminal and civil section emergent orders continue this constrained cancelation of jury trials and jury duty through January 31, 2021, while directing the District Court Administrator is to continue working in concert with other salient court personnel (*E.g.* court electronic recording), as well as material county officials (*E.g.* facilities management), to finalize such a plan and implement those related necessary arrangements allowing for jury trial resumption. See Third Emergency Order Extension – Criminal Section dated October 20, 2020; and Fifth Emergency Order Extension – Civil Section, *as Amended*, dated October 27, 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 utilize 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 Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

⁷ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

⁸ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).



Chester County Health Department
 COVID-19 Response for Chester County and Delaware County

COVID-19 Screening Guidance for Employers

December 8, 2020

Purpose: This guide has been developed to support the screening of employees to assess need to be excluded from the workplace and self-quarantine or self-isolate.

Procedure:

1. **Assess current symptoms, recent exposure, and travel history upon arrival:**

- Take temperature with temporal or forehead touchless thermometer
- Ask: Are you taking any medication to treat or suppress a fever?
- Ask: Are you currently waiting for a COVID-19 test result for any reason other than a required routine screening for work or a health procedure?
- Ask: Have you tested positive for COVID-19 in the past 10 days?
- Ask: In the last 14 days, have you had close contact with someone who has COVID-19? Close contact means you were within 6 feet of that person for 15 minutes or longer.
- Ask: Have you traveled in the last 14 days outside of Pennsylvania, other than for work or for medical reasons?
 - If yes: Have you received a negative COVID-19 test? Note: the specimen must have been taken 72 hours prior to arrival in PA or after arrival to PA.
- Ask: Are you currently experiencing any of the following symptoms?

Group A 1 or more symptoms	Group B 2 or more symptoms	
Cough	Sore throat	Headache
Shortness of breath	Chills	Congestion or runny nose
Difficulty breathing	Muscle pain	Nausea or vomiting
Lack of smell or taste (without congestion)	Fatigue	Diarrhea
	Fever	

"COVID-19 Symptoms" is defined as having 1 or more symptom(s) in Group A
 OR 2 or more symptoms in Group B

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

Scenario	Exclusion from Workplace Return to Work Guidance	
#1 – Negative Screen	None	NA



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Scenario	Exclusion from Workplace	Return to Work Guidance
#2 – COVID-19 Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from workplace.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work based on clinical criteria for alternative diagnosis. If no alternative diagnosis is known, return to work 24 hours after symptoms are improved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. <p>If individual is not tested, follow return to work guidance for scenario #3 (assume employee is positive).</p>
#3 – Positive COVID-19 PCR Test <u>with</u> Symptoms	Yes	<ul style="list-style-type: none"> ➤ 24 hours with no fever and ➤ improvement in symptoms and ➤ 10 days since symptoms first appeared.
#4 – Positive COVID-19 PCR Test <u>without</u> Symptoms	Yes	<p>10 days after the PCR test was collected.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 10 days, follow return to work guidance for scenario #3.
#5 – Close Contact <u>with</u> Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from work.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work 14 days after last exposure to the person with COVID-19, and symptoms have resolved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. ➤ If individual is not tested and develops symptoms within 14 days of exposure, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>
#6 – Close Contact of COVID-19 <u>without</u> Symptoms	Yes	<p>14 days after the date of last exposure to the person with COVID-19.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 14 days, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>



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Scenario	Exclusion from Workplace	Return to Work Guidance
		<i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms, does not need to stay home.</i>
#7 – Yes to Travel History	Yes	10 days after return from out-of-state travel OR Negative test result from a specimen collected within 72 hours prior to returning to Pennsylvania or after arrival to PA. Note: Individual must quarantine until the negative result is received. <i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home.</i>

Guidance for Employees:

1. Notify your supervisor if you meet any exclusion from work criteria.
2. Self-monitor for symptoms.
3. Wear a face mask at all times.
4. Practice social distancing in the workplace and do not congregate in common areas.
5. Notify your supervisor and go home immediately if you become sick.
6. Do not share headsets or objects used near face.
7. Notify your supervisor of travel plans.

Employees with COVID-19 Exposure or Positive Test Result:

Individuals are notified by their physician or the Health Department about test results for COVID-19. Individuals who are a close contact of a case are notified by the case, facility where they were exposed, or the Health Department. Because tests may be false positive or false negative, some testing may need to be repeated or confirmed. If there is uncertainty about an employee's result, have them consult their physician. If an employee receives a positive test result for COVID-19, employee should remain at home in isolation until *Return to Work Guidance* is met, regardless of symptoms. This includes essential employees.

Test results may include the following:

- Detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test (PCR)
- Detection of specific antigen in a clinical specimen



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Anyone who has had close contact with someone with COVID-19 and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Based on new information regarding antibody testing, results of antibody tests are not used for exclusion from work or return to work.

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. Visit <https://www.chesco.org/4437/Coronavirus-COVID-19-How-to-Help> for information on cleaning and disinfecting.

Alternative Quarantine Guidance:

The use and adherence to quarantine requirements continue to be a strong public health measure to mitigate COVID-19. Quarantining individuals breaks the transmission cycle by limiting exposure to other individuals. Therefore, the Chester County Health Department continues to recommend 14 day quarantine period as the most protective quarantine period. The Chester County Health Department recognizes the following quarantine periods as acceptable alternatives when adherence to the 14 day period is truly not possible.

The following alternative quarantine periods do NOT apply to individuals who work at, or live in, healthcare or congregate settings to include hospitals, healthcare practices/offices, long-term care facilities, correctional facilities, clinics of all sizes, shelters, group homes, etc.

Employers and organizations, including daycare/childcare centers, public/non-public schools, must determine if they will support alternative quarantine periods for their employees, those doing business with them, or receiving services from them. Employers and organizations selecting to use alternative quarantine periods as outlined below must continue symptom monitoring for the full 14 days continues, and must continue strict adherence to all existing local and state mandates and guidance (e.g., masking, physical distancing). Employers and organizations are recommended to consult their solicitor regarding any policies, procedures or protocols for requirements that may need to be in place regarding proof of negative test result and date of test when using alternative quarantine periods. Additionally, employers and organizations should update their employee and visitor screening protocol if using the alternative quarantine protocols.



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Alternative quarantine periods when 14 days cannot be adhered to:

- Quarantine can end after day 10 without testing if an individual remains asymptomatic through the end of day 10.
- Quarantine can end after day 7 if a diagnostic specimen (e.g., RT-PCR, antigen) tests negative and is collected on day 5 or thereafter, and the person remains asymptomatic until the test result is received.

Quarantine begins after the date of last exposure (day 0) to a person with COVID-19. At no time can quarantine be discontinued before the end of day 7 even if a negative test COVID-19 test result is received prior to the end of day 7.

Chester County Health Department will support PA DOH's evaluation of these alternatives in terms of compliance with quarantine and contact tracing activities, but also for any potential negative impacts such as post-quarantine transmission.

Chester County Health Department continues to recommend that COVID-19 testing be prioritized for symptomatic persons seeking evaluation for COVID-19 infection ahead of testing for early discontinuation of quarantine.

Temperature Assessment:

The temperature considered a fever during screening differs based on how temperature is taken. Consult with the manual of the device you are using to confirm temperature for fever. Any fever reported by an employee, even if no thermometer was used, is considered symptomatic.

Mode	Temperature for fever
Axillary and temporal	99.5°F or higher
Oral	100.0°F or higher

Travel:

If an employee travels outside of the state of Pennsylvania that individual needs to quarantine for 10 days upon return to Pennsylvania OR receive a negative COVID-19 test result from a specimen collected within 72 hours of their return to PA or after arrival to PA. If symptoms develop during that time, follow above exclusion and return to work criteria. Exceptions to this include individuals traveling to and from PA for the purposes of work, for medical reasons, or military orders. Employees should notify their supervisor of travel plans prior to traveling.



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December 8, 2020

Anyone who has traveled outside of Pennsylvania and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home or be retested. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Employers should consider potential exposure risks and consider remote work options for employees who reside in an area with travel restrictions and work in the county. Employees who reside in an area with travel restrictions and continue to work in-person should be mindful of their activities in that area, and minimize their potential exposure.