

IN THE 15th JUDICIAL CIRCUIT OF THE STATE OF MISSOURI

IN RE: MOVING THE 15TH JUDICIAL CIRCUIT FROM OPERATIONAL PHASE TWO TO OPERATIONAL PHASE THREE

ADMINISTRATIVE ORDER MOVING THE 15TH JUDICIAL CIRCUIT FROM OPERATIONAL PHASE TWO TO OPERATIONAL PHASE THREE

WHEREAS, the existence and spread of the COVID-19 has resulted in the declaration of a world-wide pandemic; and

WHEREAS, the President of the United States, Governor of the State of Missouri, and health professionals have recommended, to prevent contracting COVID-19 and to help stop the spread of COVID-19, that people stay at home and practice social distancing; and

WHEREAS, the Missouri Supreme Court, by its Orders dated March 16, 2020, March 22, 2020, April 1, 2020, and April 17, 2020 suspended of all in-person court proceedings (subject to exceptions set forth therein) in the State of Missouri from March 17, 2020 through May 15, 2020; and

WHEREAS, the Missouri Supreme Court, by its Order and attached Operational Directives dated May 4, 2020, have provided for the criteria to consider and procedures to utilize beginning May 16, 2020 for courts to move towards being fully functioning; and

WHEREAS, the 15th Judicial Circuit, pursuant to an administrative order dated May 15, 2020, began operating under Phase One on May 16, 2020 as allowed by the Missouri Supreme Court by its Order and attached Operational Directives dated May 4, 2020: and

WHEREAS, the 15th Judicial Circuit, pursuant to an administrative order dated May 29, 2020, began operating under Phase Two on May 30, 2020 as allowed by the Missouri Supreme Court by its Order and attached Operational Directives dated May 4, 2020; and

WHEREAS, the 15th Judicial Circuit has operated under Phase Two since May 30, 2020 with no known adverse consequences; and

WHEREAS, on June 11, 2020 the Governor of the State of Missouri announced he was lifting COVID-19 restrictions for the State of Missouri; and

WHEREAS, the Circuit Court Budget Committee decided at its May 22, 2020 meeting that administrative leave will no longer be allowed for employees away from work for COVID-19 related reasons once a circuit moves to Phase Three and instead employees away from work for the COVID-19 related reasons outlined in the new federal law “Families First Coronavirus Response Act” (FFCRA) shall be should be allowed to use the emergency leave granted by the FFCRA or if they don’t meet the qualifications for the FFCRA leave, or they have depleted the amount of emergency leave that is granted under the law, then the employee must use their own accrued leave (annual, sick, or compensatory leave) or take leave without pay.

IT IS HEREBY ORDERED EFFECTIVE JUNE 24, 2020, AS FOLLOWS:

1. All courts of the 15th Judicial Circuit of the State of Missouri shall operate at Phase Three as provided by the Order of the Supreme Court dated May 4, 2020 and the Operational Directives attached thereto.
2. The Courts may hold in-person hearings in all cases provided they are done in compliance with social distancing protocols and occupancy rate limitations of the local community.
3. In all cases, in lieu of in-person proceeding, judges and court staff may utilize all available technologies – including teleconferencing and video conferencing – whenever possible to limit in-person courtroom appearances to the extent not prohibited by constitutional or statutory provisions.

4. Judges shall utilize procedures as they determine necessary to limit occupancy rates in courtrooms, jury assembly rooms, and other areas in the court facility to provide for compliance with social protocols of the community.

5. Judges may require the use of masks or face coverings in their courtrooms, and may implement appropriate levels of screening where possible at court facility entrances to mitigate against individuals experiencing symptoms related to COVID-19 from entering their courtroom or the court facilities. Such screening may include temperature checks and screening questions.

6. Judges may require tape or other visible means be used to demark locally approved distances in courtrooms, waiting areas, and conference rooms where practical.

7. Court personnel shall cooperate with local government officials in the scheduling and the operation of the court system and shall consult with and rely on local health officials or departments and CDC guidance to adapt court operating decisions consistent to local health conditions.

8. Vulnerable¹ litigants, witnesses, victims, attorneys, and other individuals involved in court proceedings may, at the judge's discretion, be allowed to participate in the proceedings remotely or have the case that requires their presence at the court facility continued or postponed.

9. Non-essential travel by judicial employees for work-related functions is no longer suspended.

10. Large venues and common areas such as break rooms may be reopened with the continued cleaning and disinfection of those areas and hand sanitizers and wipes shall be made available for all court personnel.

¹Vulnerable individuals are defined by the CDC as individuals 65 years or older or individuals with underlying medical conditions, particularly if not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease.

11. Judicial employees should observe locally approved social physical distancing from others in all offices, meetings, and court proceedings and shall may be allowed the ability to use masks or other face coverings.

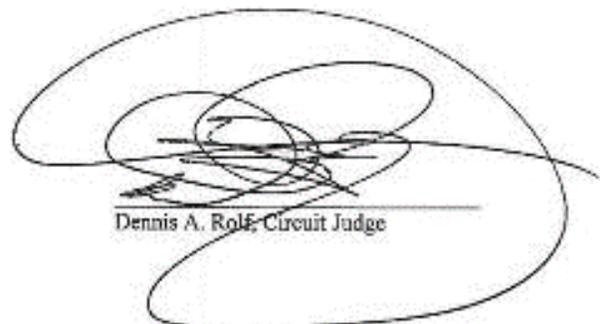
12. Normal staffing schedules for judicial employees shall resume however, supervisors shall make reasonable accommodations to address those vulnerabilities.

13. Supervisors shall allow judicial employees to stay home where possible if the employee:

- a) Is subject to a quarantine or isolation order or is living with or caring for such an individual;
- b) Has been advised by a health care provider to self-quarantine or is living with or caring for an individual who has been advised to self-quarantine; or
- c) Is experiencing symptoms of COVID-19 and seeking medical diagnosis, or is living with or caring for such an individual; or

14. Administrative leave will no longer be allowed for employees away from work for COVID-19 related reasons and instead employees away from work for the COVID-19 related reasons outlined in the new federal law “Families First Coronavirus Response Act” (FFCRA) shall be should be allowed to use the emergency leave granted by FFCRA or if they don’t meet the qualifications for the FFCRA leave, or they have depleted the amount of emergency leave that is granted under the law, then the employee must use their own accrued leave (annual, sick, or compensatory leave) or take leave without pay.

Dated: June 24, 2020



Dennis A. Rolf, Circuit Judge